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USAID BOSNIA JUSTICE SECTOR DEVELOPMENT PROJECT II

Year 3- ANNUAL REPORT
July 15, 2011 - July 14, 2012

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EWMI	East-West Management Institute, Inc.
USAID	United States Agency for International Development
USG	United States Government
AC	Acquis Communautaire
ADI	Association for Democratic Initiatives
ADR	Alternative Dispute Resolution
AP	Action Plan for Justice Sector Reform Strategy Implementation
AR	Annual Report
BB	Bench Book
BD BiH	Brčko District of Bosnia and Herzegovina;
BD JC	Judicial Commission of Brčko District of Bosnia and Herzegovina;
BFD	Budget Framework Document;
BiH MOJ	Ministry of Justice of Bosnia and Herzegovina
BiH	Bosnia and Herzegovina
BIRN	Balkan Investigative Reporting Network
BOR	Book of Rules
CCEJ	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CEPEJ	The European Commission for Efficiency of Justice
CIPP	Centre for Information and Legal Aid, Zvornik
CMS	Case Management System for courts in BiH
CoE	Council of Europe
CSOs	Civil Society Organizations
DON	Democracy-Organized Action-Progress, Prijedor
DPSP	Department for Planning and Strategic Policy of the HJPC's Secretariat;
DS	Justice Sector Reform Strategy tracking Documentation System
EC	European Commission
ECHR	European Convention on Human Rights
EU	European Union
EUSR	European Union Special Representative
EWMI	East-West Management Institute, Inc.
FBiH	Federation of Bosnia and Herzegovina;
FBiH MOJ	Ministry of Justice of the Federation of Bosnia and Herzegovina
FJP	Forum for Joint Policy;
FLD	Foundation of Local Democracy
FWG	Functional Working Group
HJPC	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
HJPC BD	Budget Department of the HJPC's Secretariat
IT	Information technologies
JN	Justice Network
JPTC	Judicial and Prosecutorial Training Centers
JSDP I	Justice Sector Development Project
JSDP II	Justice Sector Development Project II
JSI	Justice Sector Institutions
JSRS	Justice Sector Reform Strategy
KRA	Key Results Areas
MC	Ministerial Conference
MCI	Model Court Initiative

MPOI	Model Prosecutors Office Initiative
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MS	Matrix of Standards
NAGTRI	National Attorneys General Training and Research Institute
NGO	Non governmental organization
OSCE	Organization for Security and Co-operation in Europe
OHR	Office of the High Representative
PLE	Public Legal Education
PO	Prosecutors' Office
PO	Project Objective
PI	Project Indicators
PIR	Project Intermediate Results
PR	Public Relations
PSB	Permanent Subcommittee on Judicial and Prosecutorial Budgets of HJPC
ROL	Rule of Law
RS	Republic of Srpska
RS MOJ	Ministry of Justice of Republic of Srpska
SAA	Stabilization and Association Agreement
SATURN	Council of Europe's Centre for judicial time management
SCB	Standing Committee on Judicial and Prosecutorial Budgets
SCO	Swiss Cooperation Office
SO	Strategic Objective
SPC	Point of Contact for Strategic Planning;
SSPACEI	Sector for Strategic Planning, Aid Coordination and European Integrations of the BH MOJ;
SUFI	System for Management of Financial Operations;
TC	Thematic Conference
TCMS	Prosecutorial Case Management System
T-Portal	Internetportal for prosecutors
TS	Technical Secretariat for Monitoring of the implementation of the JSRS
UPR	Universal Periodic Review, a human rights monitoring mechanism of the UN Human Rights Council
US	United States
USAID	United States Agency for International Development
VC	Venice Commission
WG	Working Group
WP	Work Plan
YIHR	Youth Initiative for Human Rights

EXECUTIVE SUMMARY

The USAID Justice Sector Development Project II (USAID JSDP II) is a 5 year, \$8 million activity that follows up on the successes of the first JSDP Program while launching a number of significant new reform initiatives. USAID JSDP II is designed to assist in building effective and credible justice system institutions that promote BiH accession into the European Union. This is to be achieved by strengthening the independence, accountability and effectiveness of the judiciary, supporting a better coordinated and unified justice system as well as bolstering public confidence in the rule of law. The contract was awarded to East-West Management Institute on July 14, 2009 and, following the exercise of the Option Period by USAID, is slated to end July 13, 2014.

The overall goal of USAID JSDP II is to improve the efficiency and fairness of the justice system in BiH by building the capacity and sustainability of key local institutions. USAID JSDP II directly supports USAID Bosnia Herzegovina Strategic Goal 2 - increased effectiveness, accountability and transparency in law enforcement and the justice sector, upholding rule of law equally for all BiH citizens, thereby strengthening these State level institutions as well as Goal 3 - Increased accountability, transparency, effectiveness and active citizen involvement in government institutions and processes. USAID JSDP II is organized into three activity concentration components:

Component 1 - Judicial Independence, Accountability and Effectiveness. Under this Component USAID JSDP II works with the HJPC, BiH MOJ, courts and prosecutors' offices to help BiH continue its efforts to reform the judicial system. USAID JSDP II works closely with HJPC to improve the appointment and advancement process for judges and prosecutors. The project also works to improve the effectiveness of the judicial system through improved management and administration of courts and prosecutors' offices. USAID JSDP II provides assistance to prosecutors' offices through the Model Prosecutors Office Initiative and increasingly in the design and implementation of the Matrix of European Standards relevant to Prosecutor Offices.

Component 2 - A Coordinated and More Unified Justice Sector. This USAID JSDP II Component is grounded in the notion that EU integration remains a key driver for judicial reform in BiH and requires a better coordinated and more unified justice sector. USAID JSDP II works closely with the BiH MOJ to help it track and enhance implementation of the Justice Sector Reform Strategy (JSRS). USAID JSDP II also engages entity and cantonal authorities in JSRS implementation, given the essential roles of these authorities in the justice sector. In cooperation with MOJ and HJPC, USAID JSDP II helps each institution strengthen the capacity of its respective policy unit and promote the development of coordinated reform proposals.

Component 3 - Increased Public Confidence in the Rule of Law. USAID JSDP II has established an innovative network of Civil Society Organizations (CSO) bringing together the traditional NGOs with professional associations from the justice sector known as the Justice Network (JN). This combination creates synergies which assist the JN to develop effective and well informed advocacy and public awareness campaigns and monitoring programs. The project also helps expand court monitoring by journalists to make the work of the judiciary better understood and more transparent. USAID JSDP II supports efforts by civil society to develop tangible policy and legislative reform initiatives to improve the administration of justice.

KEY EVENTS INFLUENCING THE IMPLEMENTATION DURING YEAR 3

As an integral part of the Stabilization and Association Process the EU-BiH Structured Dialogue was formally started on June 6, 2011.¹ Political circumstances prompted the earlier than expected start of the EU led structured dialogue on the justice related reforms within the framework of the Stabilization and Association Process.

This type of dialogue is not typically commenced until the country officially becomes a “candidate country.” At such time the SD examines in detail all 35 chapters of the *Aquis Communautaire* – the road map to EU accession. The focus on the justice sector is clear in that this “preliminary” SD only deals with Chapters 23 and 24 of the *Aquis* on the justice sector. In the case of BiH, the EU decided to initiate the SD earlier than would typically be the case. USAID encouraged USAID JSDP II continuing activities focused on strengthening of the strategic planning capacities in the MOJs, HJPC and Brčko District Judicial Commission (BDJC) resulting in greater readiness of these structures to act upon tasks arising from the Structured Dialogue.

Thus, although the USG is not formally involved in the EU driven structured dialogue, USAID JSDP II works closely with the BiH MOJ to help it track and enhance implementation of the Justice Sector Reform Strategy (JSRS), now largely refocused in its implementation on issues arising from the structured dialogue. USAID JSDP II also engages entity and cantonal authorities in JSRS implementation, given the essential roles of these authorities in the justice sector. In cooperation with MOJ and HJPC, USAID JSDP II helps each institution strengthen the capacity of its respective policy unit and promote the development of coordinated reform proposals. The interaction of activities between USAID JSDP II, EUSR competent structures and the UNDP Mission in BH led to closer focusing on issues important for the BH justice system. Thus, the steps taken during the last year reflected both the activities of EU through the Structured Dialogue, as well as findings and recommendations in the Venice Commission’s Opinion on Legal Certainty and the Independence of the Judiciary in BH, No. 648/2011, dated June 18, 2012.²

It was clear that all of the various jurisdictions involved in the justice sector needed to think and talk through between them areas to be discussed and be better prepared for the structured dialogue. In this manner, the SD could focus on providing guidance to resolving areas of dispute instead of simply finding that disputes exist. The concept of the Thematic Conferences had been introduced to the justice sector by USAID JSDP II after it was clear that the bi-annual Ministerial Conferences in the justice sector cannot offer a constructive venue for such detailed discussion over the most important topics for the judiciary. With USAID JSDP II assistance, justice sector institutions (JSI) organized three Thematic Conferences thus far³. Efforts invested in designing and strengthening policy design, encouraging discussion and strengthening the functioning of these capacities in a collaborative fashion was visible from the initial stage of Structured Dialogue, which included the drafting of a comprehensive report on the judiciary in BH and preparations for the discussions through the three meetings held to date. The positive role of USAID, clearly demonstrated by the USAID Director opening all three Thematic Conference held to date, has been recognized and lauded by all parties to the discussion.

¹ <http://www.delbih.ec.europa.eu/?akcija=vijesti&akcija2=pregled&jezik=2&ID=973>

² [http://www.venice.coe.int/docs/2012/CDL-AD\(2012\)014-e.pdf](http://www.venice.coe.int/docs/2012/CDL-AD(2012)014-e.pdf)

³ The three Thematic Conferences were dedicated to 1) the Draft Law on Prosecutors’ Offices in FBH, 2) the need for reduction of fragmentation of budgets for judicial institutions in FBH, and 3) establishment of a comprehensive Free Legal Aid system in BH.

SUMMARY OF HIGHLIGHTS AND DEVELOPMENTAL IMPACT

During the first three years of the project, the USAID JSDP II achieved significant results in all of its components. In Year 3, JSDP components provide focused assistance that was result-oriented and concrete and implemented the Year 3 Work Plan in a manner which fully achieved all objectives, substantially in accordance with the Work Plan chronology and within budget.

USAID JSDP II Component 1 achieved all planned results in its Work Plan, best summarized as follows:

- The **Judicial Appointments Working Group** conducted the final review of more than 2700 judicial exam questions developed by local experts. The design of the written testing processes, the Book of Rules (BOR) on Written Testing Procedures and the draft BOR on Structured System of Interviews with Judicial and Prosecutorial Candidates have been completed and presented to the HJPC for adoption. This will increase the integrity of the system and lead to the selection of only qualified judges, chosen without political fear or favoritism. The reforms will make the examination “blind” both in terms of selecting questions and the scoring of replies. The implementation is foreseen for beginning of 2013.
- The USAID JSDP II completed implementation of the three-year **Model Prosecutors Office Initiative (MPOI)**. Training and technical assistance have been delivered to the final wave of the Model Prosecutors Offices (MPOs).
- The HJPC BIH adopted the Proposal of the **Matrix of European Standards for prosecutor offices in BIH** at its February 2012 Council Session. This important work was prepared jointly by the USAID/JSDP II and the Working Group on Model Prosecutors’ Office Initiative (MPOI) and the Matrix of Standards (MS).
- The WG for **Developing Optimal and Predictable Case Processing Timeframes** at the Courts and POs in BIH determined optimal deadlines for case types before the courts and prosecutors’ offices and drafted the relevant book of rules that have been submitted to the Council for adoption in July 2012.
- The WG for **Developing Prosecutor Performance Measurement** in BIH developed a draft Book of Rules on approximate prosecutor performance measurements for prosecutors in BIH and submitted it to the HJPC that adopted the draft during its July 2012 session.
- USAID JSDP II in close cooperation with the HJPC Unit for **Strengthening of Judicial Administration** and the two biggest first instance courts in the country -- Municipal Court Sarajevo and Basic Court Banja Luka -- evaluated the initial three month results of the Book of Rules on the Orientation Judicial Case Measurement System for Judges, Judicial Associates and Other Employees at Courts in BIH (BOR).
- USAID JSDP II again screened and proposed prosecutors to participate in the annual **National Association of Attorneys General (NAGTRI)** fellowship program. USAID JSDP II requested all model prosecutor offices to nominate candidates, selected three finalists out of 10 candidates presented and nominated them to NAGTRI.
- The **commitment of the HJPC and the Prosecutors Offices** has been demonstrated by the almost 100% participation of invited participants at events organized by

USAID/JSDP II. **Having in mind their day to day workload, this fact illustrates that USAID/JSDP II assistance has been welcomed and recognized as an opportunity to address some of the key reform issues of the judiciary in BiH today.**

- **The T-Portal has been developed in close cooperation with the HJPC** and prosecutors in a manner that insured a user-driven process and establishment of the functionalities that will serve needs of both prosecutors' offices staff and the HJPC.

USAID JSDP II Component 2 achieved all planned results in its Work Plan, as amended in March 2012, best summarized as follows:

- **Forum for Joint Policy (FJP) produced two policy proposals.** The first elaborated the need for reduction of **fragmentation of budgets for judicial institutions** in the Federation of Bosnia and Herzegovina. The second one was dedicated to **establishment of a comprehensive Free Legal Aid** system in Bosnia and Herzegovina.
- With USAID JSDP II assistance, justice sector institutions (JSI) organized **three Thematic Conferences (TC)**. The Federal MOJ organized a TC dedicated to the **Draft Law on Prosecutors' Offices in FBH**, while the HJPC hosted a TC with the agenda covering the need for **reduction of fragmentation of budgets** for judicial institutions in FBH. Finally, the BH MOJ organized a TC which discussed the establishment of the comprehensive **Free Legal Aid system in BH**.
- **Strategic planning capacities developed to the level which allowed their smooth inclusion in EU accession processes.** USAID JSDP II continued with strengthening the capacities of Entity and Cantonal MOJs and Brčko District Judicial Commission.
- Following up on the Second Thematic Conference, the HJPC initiated the activities designed to lead to amending of laws resulting in the **reduction of budget fragmentation in FBiH**.

USAID JSDP II Component 3 achieved all planned results in its Work Plan best summarized as follows:

- Implemented **USAID JSDP II Grant Program** resulting in the successful implementation of 6 Projects throughout the country by 11 CSOs, all members of the Justice Network.
- Continue to strengthen the **Justice Network** in a coordinated and strategic fashion. The Justice Network continued its growth and currently has 63 CSO members.
- The Justice Network embraced **evidence-based advocacy in its efforts to achieve:** 1) greater independence of the judiciary, 2) a more efficient judiciary, 3) greater transparency in the judiciary, 4) the protection of marginalized groups through the use of the judicial system, 5) improved media-judiciary relationship and 6) sustainable public legal education programs.
- **The Justice Network and the Joint Policy Forum of the HJPC and the BiH Ministry of Justice** agreed on projects of joint interest around which they will build partnerships.
- **The first BiH Justice Sector Monitoring Manual** was developed to enable civil society to more effectively monitor the performance of the justice sector, as well as the impact of legal and judicial reform in improving this performance.

DESIGNING A USAID JSDP II REVISED PROJECT MONITORING PLAN FOR 2012 – 2014 FOR USAID REVIEW AND APPROVAL

As pointed out above, the initial PMP Design was submitted in October 2009 but never approved by USAID. The draft PMP was neither practical nor manageable due to the large number of indicators -more than 100. Therefore, the USAID JSDP II team conducted a revision of the PMP which was approved by the USAID in August 2011. With the option period exercised, USAID JSDP II will now develop a further Revised and Extended Performance Monitoring Plan. The USAID JSDP II PMP will principally target data collection on activities directly implemented and influenced by USAID JSDP II and its partners. This principle of manageable interest ensures that the results reported by the USAID JSDP II PMP are those that the project can influence, especially at the KRA level. USAID JSDP II will also capture secondary impact data through various methods where appropriate.

The Revised Results Framework 2012 - 2014

USAID JSDP II is currently developing the Second Revision of the PMP to further focus and simplify the PMP for Year 4 and 5. We anticipate presenting the DRAFT PMP Revision for USAID review and approval during August 2012. This Annual Report will continue to report results for Year 3 in accordance with the PMP approved by USAID.

The design of the Second Revised and Extended PMP will further reduce the number of indicators and closely align the document with “Governing Justly and Democratically – Indicators and Definitions” Annex 3 pertaining to Rule of Law and Human Rights⁴. USAID JSDP II will propose a revised PMP where the results from each level of the framework support the achievement of the result at the Project Level Objective – culminating in “Building A Sustainable Judicial Sector As An Independent And Transparent Branch Of Government Oriented Toward EU Accession” and in supporting achievement of the Mission Democracy and Governance objectives.

All three Project Intermediate Results (PIRs), USAID JSDP II will further elaborate Key Result Areas (KRAs) representative of the overall strategies for achieving the intermediate results. These KRAs will be designed to guide project staff in their activity planning and provide the basic structure for performance monitoring, evaluation and reporting. Each KRA will have a technical leader, activity coordinators and a set of activities, associated tasks, defined resources, and benchmarks.

USAID JSDP II anticipates that the number of indicators will be further reduced from to current 58 to fewer than 30 and will be fully reflective of the “Proposed Programmatic Or Tactical Changes” outlined in each Component section of this Annual Report.

⁴ Annex 3 Governing Justly and Democratically – Indicators and Definitions – 2007.
<http://www.state.gov/documents/organization/78561.pdf>

SECTION I: ANNUAL WORKPLAN BY TECHNICAL COMPONENTS

As noted above, USID JSDP II objectives are addressed by three separate but integrated project components, as follows:

- Component 1: Strengthening The Independence, Accountability And Effectiveness Of The Justice Sector
- Component 2: Support For A Better Coordinated And More Unified System Of Justice Ready For EU Accession
- Component 3: Bolstering Public Confidence In The Rule Of Law

Each of the Components and the three key results areas is detailed in the following pages in terms of the strategy employed during Year 3 implementation, and interim benchmarks achieved.

COMPONENT 1: STRENGTHENING THE INDEPENDENCE, ACCOUNTABILITY AND EFFECTIVENESS OF THE JUSTICE SECTOR.

1.1 Promoting Independence and Accountability through Improved Appointment and Advancement Processes

1.1.1 Improvement of HJPC examination of judge and prosecutor candidates

The HJPC accepted the recommendations of USAID JSDP II to create a working group to reform procedures for selection and appointment of judges and prosecutors in January 2010. A Federation BiH Supreme Court Judge was appointed as chair of this WG. The Vice-President of the HJPC, two prosecutors from the state and cantonal levels and an RS Supreme Court Judge, were also appointed to this WG. All are HJPC Council members while two appointees are HJPC vice-presidents. HJPC initially delayed progress to focus on completing other outstanding issues.

In Year 3, USAIDJSDP II committed itself to support the WG through the engagement of international experts to assist the WG in the areas of development of testing questions, methodology and EU legal standards in testing judicial candidates. Finally, international experts were engaged to assist the WG to complete and submit the draft regulations (BoR) covering the entire system of testing to the HJPC for review. The WG proceeded as follows:

- The first two meetings of the WG were dedicated to editing and finalization of 2700 questions submitted by selected judges and prosecutors from throughout BiH. The questions were developed to create a pool of questions available for use for each judicial entrance exam, to be administered to applicants seeking to enter the judiciary for the first time (a limited set of questions will be randomly selected from the pool for each exam). Out of 2700 questions, 353 still needed additional review. With the support of the EC TAIEX program, the WG members conducted a study tour to Vienna and learned about the system of written testing currently in use in Austria. The visit was used by the WG to draft the necessary regulations and an outline of the structure to be applied for implementing the whole system of written testing and interviewing for judicial and prosecutorial posts.

- With USAID JSDP II assistance, the WG submitted its first report for the period December 2010 - December 2011 to the HJPC. The Council adopted the report at its session of December 6, 2011. The HJPC committed to strengthen its technical and administrative support to the Working Group by tasking its Project for Human Resources Management in BIH Judiciary. On 4-5 January 2012, USAID JSDP II provided training on external evaluation to the Secretariat's Project Team staff and to the WG's Chairperson. The training was designed to guide the participants in the design of written tests for judicial and prosecutorial candidates, and to create awareness of all aspects of written testing procedures that need to be regulated by the new HJPC internal regulations. The participants accepted the suggestion of the USAID JSDP II expert that pre-testing of the examination instruments would be impractical due to the small relevant population in BIH and the methodological limitations in conducting such an evaluation. Instead, evaluation of the testing design and results will be conducted shortly after testing has been initiated.
- USAID JSDP II also conducted training on external evaluation for the editors of the test questions and the HJPC working group for enhancement of the appointment procedures on February 27-28. The training for the WG members was designed to guide the participants in the design of written testing for judicial and prosecutorial candidates, and to create awareness of all aspects of written testing procedures that need to be regulated by the new HJPC internal regulations. Training included information to guide WG members on recommended methodologies for conducting structured interviews. Following the USAID JSDP II assistance, editors were able to conduct final editing of written testing questions.
- The Working Group held its next meeting on March 13-14. After the WG members had discussed the process of written testing, they completed the written test design. Based on USAID JSDP II recommendations, the WG submitted an improved pre-draft of the Book of Rules on Written Testing to the Council's Secretariat on March 29. The Secretariat delivered its comments to the WG members as well as a draft decision of the Council establishing a Permanent Commission on Commencement of Written Testing. Those two documents served as a basis for development of the procedures for written testing and laid the foundation for the Council body that will permanently support and improve the new testing system.
- The HJPC BIH Working Group for Enhancement of the Appointment Procedures held another meeting on 19-20 April, 2012 in Sarajevo. The meeting was conducted in a workshop format and led by USAID JSDP II short term expert Ms Yolanta Christova. As a result, the WG developed and completed a pre-draft of the BOR on Structured Interviews for Judicial and Prosecutorial Candidates.
- The 16th meeting was held on 16 May 2012 in Teslic. The main purpose of this meeting was to finalize the Book of Rules on Written Testing (BoR) in accordance with the discussion at the last Council session and to further improve the Instruction on Structured Interviews for Judicial and Prosecutorial Candidates. The BoR was finalized and subsequently adopted by the WG. The draft Instructions needed additional work.
- The BoR was presented to the Council at its July 2012 session. The WG received positive feedback and comments from the HJPC which will be considered and included in the BoR at the WG 17th meeting scheduled for the second half of August 2012. The adoption is expected after the Council reviews the final proposed texts at its September 2012 session.

1.1.2 Initial Design and Implementation Plan for the development of mechanism for prosecutor performance measurement

As emphasized in the HJPC 2010 Annual Report, the Council considered that the results of the work of judges and prosecutors and concluded that it was possible to improve the existing performance evaluation criteria. By improving existing criteria and quantity parameters when evaluating performance of judges and prosecutors the underlying objectives can be achieved more immediately. Current criteria only provide a basis for quantitative evaluation in defining prosecutorial performance quotas. Currently there are no formal quotas or other performance measurement system for prosecutors in BiH. Each PO determines its own quotas based on obsolete concepts of simple record keeping of various kinds tasks during the month period. This approach does not distinguish between cases of different complexity and, as such, does not permit an objective evaluation either of individual prosecutor performance nor the effectiveness of specific POs. As a result, it makes annual performance evaluations of prosecutors' a rather subjective process and therefore should be considered transitional and as an effort to obtain immediate impact, even if not ideal.

USAID JSDP II is committed to assist the HJPC in developing a more comprehensive and objective mechanism for prosecutor performance measurement by providing technical assistance to the relevant WG.

- At the Council's request, USAID JSDP II drafted the relevant decision required to initiate the work of this WG. The HJPC included this item on the agenda of its December 6th 2011 session. At this session the HJPC tasked the Secretariat's Department on Judicial Administration to further consult with the chair and members of this WG and advise the Council accordingly. After these consultations the HJPC informed USAID JSDP II that the WG could start work February 15, 2012. In the meantime, the HJPC Secretariat was tasked with compiling the statistical data on the work of the POs that could be used for initial analysis by the WG. The Chairperson of the Prosecutorial Performance Measurement WG, the Chief Federal Prosecutor, approached USAID JSDP II and requested that the work of the WG be resumed. On December 21, 2011, the HJPC again postponed initiation of these activities due to the delays in work of the WG for judges' performance measurements and adoption of the respective BOR. Finally, the first meeting of the WG for prosecutors' performance measurements took place on March 22, 2012. During preparations for the meeting, USAID JSDP II provided the WG members with reports outlining experiences from other legal traditions, particularly the US and Swedish prosecutorial systems. These reports contained criteria for determining the complexity of different case types in these systems and outlines of lists of procedural actions typically undertaken by prosecutors during pre-criminal and criminal proceedings. USAID JSDP II also assisted the WG to complete a new plan of activities and definition of tasks for the WG members as well as for the HJPC BIH Secretariat's staff and the representatives of the Project on Strengthening Prosecutorial Capacities within BIH Criminal Justice System (the Swiss Project). The Secretariat was reminded to provide the WG with relevant statistics as previously agreed.
- The Working Group held its third meeting in the USAID JSDP II premises on 19 June 2012. The WG prepared a draft Book of Rules on Approximate Prosecutor Performance Measurement (BoR) that was sent to the HJPC for discussion at its July 2, 2012 session. The Council adopted the draft BoR and decided to send it to all 18 POs in the country for their comments by September 1, 2012. The WG expects that the BoR will be adopted by the Council at its October 2012 session, setting a start date for implementation for January 1, 2013. The Council used the structured dialogue session in Mostar on July 5-6,

2012 as an opportunity to inform the European Commission about these developments and received strong support “to devise orientation measures for prosecutors.”

1.1.3 Revising judicial performance evaluation

The HJPC has worked on worked on improving the system of evaluations for judges and prosecutors since 2006, especially in conformance with its Criteria for Performance Evaluation of Judges in BiH developed with the assistance of USAID JSDP I. USAID JSDP II welcomed HJPC readiness to devote its resources to improve the system of judicial performance evaluation and agreed to provide technical assistance to evaluate the use of new weighted measurements in the courts in comparison with expected results and produce report with findings and recommendations.

During the reporting period the HJPC realized that neither its own technical capacities nor the capacity of courts, allowed for the development and implementation of the weighted measurement system at this time. Thus, the HJPC decided to develop and adopt a BoR with indicative performance measurements for judges and judicial associates. In this way, the HJPC fulfilled the pending obligations set by the SD with the EU. The proposed BoR was sufficient to determine the complexity of the cases and encourage judges to process such cases. It also created a simple manner for determining the necessary number of judges and judicial associates to resolve the case backlog in individual courts as well as the overall judicial system in BiH.

USAID/JSDP II together with the Municipal Court Sarajevo staff, and the HJPC Strengthening Judicial Efficiency Project organized a joint thematic meeting of the two biggest courts of first instance in the country, namely Municipal Court Sarajevo and Basic Court Banja Luka to make an initial evaluation of the new BoR implementation. The purpose of the meeting held in July 2012 was to undertake an initial evaluation of the new BoR and its proposed implementation. During the meeting USAID JSDP II presented international standards and parallel legal tradition experiences. The head of the HJPC Unit provided the participants with reports and analyses on individual judges and two courts' departments performance in accordance with the new BoR measurements. The heads of courts' departments presented analysis of the data and prepared report with their own findings and discussion that followed resulted with conclusions and recommendations for submission to the HJPC BIH.

1.2 Increasing the Effectiveness of the Judicial System through Improved Management and Administration of Courts and Prosecutor Offices

1.2.1 Establish Model Prosecutors' Office Initiative

The USAID JSDP II Model Prosecutor Office Initiative (MPOI) emphasizes local ownership and change management. The MPOI's approach to work with prosecutor offices on management, administrative practices, backlog reduction, public outreach, strategic and operational planning, financial management, improvement of IT services and PO's premises earned the respect of participating prosecutor offices and the HJPC. Due to the late approval of the MPOI (almost six months after initiation of USAID JSDP II) implementation of the first wave of the Initiative had to be extended to the second year of the Project but both the first and second waves were successfully completed by the end of the Year 2.

In Year 3, USAID JSDP II provided technical assistance to the WG on MPOI and MS to develop Standards for Model Prosecutor Offices to be submitted to the HJPC for adoption. USAID JSDP II also worked with the HJPC working group on the Model Prosecutor

Office Initiative to develop the Matrix of Standards for MPOs and educational video podcasts. USAID JSDP II also provided technical assistance to the third wave model POs (and limited assistance to other model POs) and developed the “Portal T” allowing the POs to share among each other their institutional knowledge and providing prosecutors and prosecutorial administration with a forum for exchange of ideas and initiation of relevant reforms. Specific developments and achievements are as follows:

- USAID JSDP II lacked a quorum for meetings of the HJPC Working Group on Model Prosecutor Offices on several occasions. The Chairperson of this WG resigned from her post in both the Council and the judiciary, and the HJPC appointed a new Chairperson, Ms. Enisa Adrovic, HJPC Vice-President. Another member of the WG was not participating at WG meetings and was replaced.
- Notwithstanding these obstacles, USAID JSDP II provided in-depth briefing to the new Chairperson and organized three WG meetings. The draft of Matrix of Standards and the report on the implementation of the MPOI for the first two waves were discussed and accepted during these meetings. In addition, the WG discussed USAID JSDP II technical reports on strategic planning and financial management, public relations, communication strategies, information gathering and dissemination, archive management and the status of premises in the model prosecutors’ offices. These reports have been also presented to the HJPC by the Chairperson of the WG during a session held in December 2011.
- The HJPC WG developed the final draft of the Matrix of Standards for model prosecutors’ offices, changing its formal name to the “Standards of prosecutorial administration for model prosecutors’ offices in BiH” in January 2012. The WG members also provided additional comments via e-mail. A close cooperation was established with the Council’s “Project on Strengthening Prosecutorial Capacities within the system of Criminal Justice.” The Swiss Project presented its report on management processes at POs in BiH, which included findings and recommendations. Following the conclusion of the WG, USAID JSDP II and the Swiss Project organized follow-up meetings and jointly analysed the HJPC report, identified the elements for related standards and submitted it to the WG for further discussion. All this was used for the finalization of the standards.
- The official adoption of the Matrix of Standards by the HJPC took place at the session held in February 2012. The Council had no further comments and adopted the document as presented. By adopting this document, the HJPC committed itself and its partners in executive governments to ensure minimum PO standards governing administration, working conditions, external and internal communications and many other important functions. USAID JSDP II continued to support the HJPC and POs in application and fulfilment of these standards. The general conclusion of the WG members was that the concept of standards is a well focused initiative that could have a major positive impact on the functioning of the POs through the streamlining, harmonizing and strengthening of their administrative procedures in their daily work.
- The USAID JSDP II continued with its implementation of the Model Prosecutors Office Initiative (MPOI). The project organized the first workshop for the model POs of the third wave of the Initiative in Kupres on 21 and 23 November, 2011. Representatives of five POs, from Cantonal Prosecutors Office Bihaæ, Cantonal Prosecutors Office Livno, Cantonal Prosecutors Office Travnik, Cantonal Prosecutors Office Zenica and District Prosecutors Office Doboï received basic training in strategic planning, program budgeting, financial management and information gathering from USAID JSDP II experts. This workshop represented the first step of a process aimed at ensuring that each

model PO has its own strategic plan and program budget encompassing its strategic goals and objectives and allowing the POs to develop their own Framework Budget Document. USAID JSDP II organized a second training in April 2012. Participants gained additional knowledge in strategic planning and program budgeting, financial management and public relations. As a result of this and previous trainings, all Model PO in BiH have strategic plans and program budgets and are in a position to better execute their mandates and obtain necessary funding for their activities. The increased technical capacities of the MPOs strengthened their compliance with the Standards in those areas of USAID JSDP II intervention. USAID JSDP II took advantage of the presence of the Wave 3 chief prosecutors and their Change Management Teams at the above workshop to present them with the T-Portal for the first time since it was finalized (see below). Respecting objective circumstances and the current technical capacities of the Federal Prosecutor Office of the FBIH (FPO), USAID JSDP II continued providing technical and material support to develop its librarianship services. Thus, USAID JSDP II provided necessary IT and other equipment, related software, training in using that software, and additional librarianship courses at the University of Sarajevo for the FPO Librarian. Such assistance resulted in the first model library within the three waves of POs of the MPOI.

- On December 8, 2011, at the Republic Prosecutors' Office of Republic Srpska, US Ambassador Patrick Moon ceremonially delivered IT equipment and certificates for completion of training to Chief Prosecutors representing the Change Management Teams of Wave 2 and Wave 3 model prosecutors' offices (MPOs). The certificates attested to the successful completion of training USAID JSDP II delivered to members of MPOs' change management teams. The IT and office equipment delivered by USAID JSDP II for the



second and two third wave POs, valued at \$70,000, included the following: computers, monitors, scanners, printers, digital cameras, copy machines, and office furniture. The equipment contributed to more efficient prosecutorial administration and also improved the implementation of the Prosecutorial Case Management System (TCMS) software. The remaining office equipment for wave three of the MPOI was purchased and distributed at a later stage. Three digital cameras, three camcorders, three copy machines as well as two fax machines have been provided for the prosecutors' offices in Livno, Doboj, Bihac and Travnik. The aforementioned event permitted an opportunity for the US Ambassador,

Vice-president of the HJPC, other members of the HJPC and Chief Prosecutors to exchange opinions related to situation in BiH judiciary. The event was widely reported by the main media outlets in Republic of Srpska and BiH.

- A January 2010 ‘Special Decision’ of the HJPC gave the Working Group for Model Prosecutors’ Office Initiative a mandate to develop an information sharing service referred to as the “T-Portal.” The aim of the T-Portal is to improve the collection, dissemination and exchange of educational, reference, and informational materials serving the needs of all prosecutors’ offices in the country. USAID JSDP II and the HJPC jointly selected the best offer for the development of the T-Portal in late September. USAID JSDP II advertised the request for proposals for the development of the T-Portal and on 12 December 2011, USAID JSDP II and BIH Company Info Studio signed a contract under which Info Studio, with the active assistance of USAID JSDP II and the HJPC BIH, developed the T-Portal for prosecutors. USAID JSDP II, Info Studio and the HJPC Secretariat’s representatives conducted regular meetings to ensure the development of the T-Portal waswell coordinated and structured. The HJPC sent a letter of acceptance and gratitude to USAID JSDP II on March 22, formally approving and confirming the completion of the development of the T-Portal. During a meeting with the HJPC President in July 2012 he praised USAID for developing the Portal. The development of the T-Portal improved the collection, dissemination and exchange of educational, referential, and informational materials serving the needs of all prosecutors’ offices in the country. The T-Portal fit into the existing design and structure of the judicial portal entitled *pravosudje.ba*, segment PRAVOSUĐE (judiciary), section TUŽILAŠTVA (prosecutors’ offices). The link is positioned beneath the TUŽILAĀKI SISTEM (prosecutorial system) link.
- In agreement with the National Association of Attorneys General (NAGTRI) in the US, USAID JSDP II asked all model prosecutor offices to nominate candidates to participate in the association’s NAGTRI Fellows program. In 2011 USAID JSDP II selected three prosecutors out of 10 candidates presented: one female and two male prosecutors from Cantonal Prosecutor Office (CPO) Sarajevo, CPO Zenica and District Prosecutor Office Eastern Sarajevo. The workshop was scheduled for June 2012 in Washington and NAGTRI agreed to cover all program costs of the Bosnian participants. Representative from the BiH had the opportunity to meet with and be briefed by various USG and NGO representatives. Following the practice established in 2011, USAID JSDP II again screened and proposed prosecutors to participate in the 2012 Fellows program. USAID JSDP II requested all model prosecutor offices to nominate candidates, selected three finalists out of 10 candidates presented and nominated them to NAGTRI. Due to limited funding, NAGTRI selected a sole prosecutor from BiH. Mr. Mirza Hukeljic, a prosecutor from the District Prosecutor Office Eastern Sarajevo participated in the workshop in June 2012.
- As mentioned before, USAID JSDP II participated in the implementation of the Swiss project activities (PSPCJ). The workshop that took place on 19-20 December 2011 on Vlašiae for Chief Prosecutors, their deputies and PO’s secretaries analysed a report on management processes at POs in BIH. USAID JSDP II also participated at the PSPCJ’s Steering Board meeting on 19 January, 2012. This meeting focused on reviewing the PSPCJ2011 Annual Report, including the 2011 Implementation of Plan of activities, as well as reviewing the proposed activities and implementation time line for the 2012 program. These meetings provided opportunity for both projects to coordinate and focus their activities.

- In preparation for future work with the selected POs, USAID JSDP II finished development of tools for field implementation of the Standards and preliminary scoring of the MPOs. USAID JSDP II might use the MOS to identify specific needs for each individual PO supported by the project in the future. The MOS consists of 20 individual "standards" within four focus areas, and not all of the selected POs will have similar strengths and weaknesses. Once implemented, the MOS will harmonize internal prosecutor office administration regulations and practices to improve the quality and efficiency of work and allow prosecutors to concentrate on their cases. In order to deliver tailored assistance to specific POs, USAID JSDP II and the HJPC may use the MOS to conduct a brief initial survey and identify specific needs of the individual POs. This survey might also establish a quantitative baseline for monitoring progress at specified intervals and provide input for the allocations of technical and material assistance through the Prosecutor Office Performance (POP) Fund.

1.2.2 Establishment of HJPC case processing timeframes for courts and prosecutors offices

Establishing the length of judicial proceedings has been recognised as a priority within the objectives of the Council of Europe relating to human rights and the rule of law. With the assistance of the USAID JSDP II, the HJPC established the Working Group for development of case processing timeframes for courts and prosecutors offices. The key task is to define timeframes (optimum number of days from one procedural event to the next) for each category of case which could be used as a point of reference for judges, prosecutors and their staffs. This standard should be set not on the basis of current duration, but rather on those periods of time which cannot be reduced and the periods of inactivity that could be eliminated. Such "optimum" standards could then be incorporated into programs for improving the operation of courts and prosecutor offices.

USAID JSDP II and the WG applied three key principles considered the cornerstones of the CoE Framework Program, namely: 1) balance and overall quality of the judicial system; 2) the need for efficient measurement and analytical tools by way of consensus among stakeholders, and 3) the need to reconcile the need for speed with the need to ensure fair trials, with careful balance between procedural safeguards which may entail minimum delays and the require for speedy justice. During Year 2, the WG determined groups of cases withing particular case types and developed tables with optimum timeframes for each such case group, and commenced drafting the BoR.

Following the achievements of Year 2, USAID JSDP II provided the following assistance to the HJPC during the third year of Project implementation:

- USAID JSDP II engaged a three-member expert team from the Finish Ministry of Justice, which had won Special Mention Recognition by the Council of Europe for achieving excellent results in the adoption of optimal and foreseeable timeframes within the Finnish judiciary. The Finnish delegation shared with the WG and other HJPC members lessons learned in implementation of its own efforts to prevent and reduce delays in the Finnish justice system. The Finns emphasized the nature of the data the judiciary should collect to identify where and why delays occur in the relevant types of proceedings and explained how the Finnish judiciary used business management techniques to improve the efficiency and effectiveness of courts and POs. They encouraged the WG to develop guidance for courts and prosecutor offices on individual predictable case timeframes and advised them how to publish the guidance so parties in judicial proceedings could have information about when their cases would likely be resolved.

- USAID JSDP II organized a number of meetings of the HJPC Working Group. Two-day meetings were structured so that the WG could develop all tables with the optimal case-time frames. The 8th WG meeting was held on 5-6 October 2011 in Eastern Sarajevo. Four experienced judges from the District Commercial Court Doboje, Municipal Court Zenica and Municipal Court Sarajevo joined the WG in the development of tables with optimal case timeframes for non-litigious, minor offences, the registration of legal entities, and bankruptcy and liquidation cases. The 9th WG meeting that took place on 28-29 November 2011 in Sarajevo was used to develop timetables for minor offences, the registration of associations and criminal cases and thus developed draft optimal case processing timeframes for all case types before the courts and prosecutor offices in BiH.
- USAID JSDP II participated at the joint meeting of the Change Management Teams of Municipal Court Sarajevo and Basic Court Banja Luka that took place on Vlašić in March 2012. Meetings of the change management teams were held and supported by USAID JSDP II to discuss issues of ongoing judicial reform and its effects on the work of courts, and to make findings and recommendations for related improvements in individual courts and the overall judicial system. USAID JSDP II used the Vlašić meeting as an opportunity to inform court presidents and judges about the goals and results of the WG on Establishing Optimal and Predictable Case Processing Time-frames before Courts and POs in BiH, and received useful comments from participants.
- USAID JSDP II organized the 10th WG meeting in Mostar during which the WG finalized the optimal case processing timeframes and initiated drafting the Book of Rules. The work on this task continued and WG finalized the proposal of the related Book of Rules in June 2012 and submitted it to the Council. Apart from finalization of the BoR text, the WG also discussed the institutional and technical precondition for implementation of timeframes in all courts and prosecutors offices in BiH. Ms. Ana Bilic, Head of HJPC BiH Judicial Efficiency Project was invited and actively participated at the meetings. Ms. Bilic emphasized concern that some of the timeframes were too long, especially in areas in which the judiciary already has backlog. Her proposals to shorten some of the timeframes was accepted while for others the WG requested further analysis that has been conducted jointly by the JSDP II and Judicial Efficiency Project. At the last meeting that took place in Banja Luka on 4-6 July 2012, the WG finalized the draft BoR on optimal and Predictable Case Processing Timeframes before courts and POs. The proposal was subsequently submitted to the Council that put it on the agenda of its July 11, 2012 session. Its adoption is expected in September 2012 and consequent pilot-testing will be conducted by the end of December 2012.

PROJECT IMPACT

- USAID JSDP II's reform activities are of strategic importance for the HJPC. Working groups established by the HJPC's decisions are programmed to achieve goals that are also part of current Strategic Plan of the HJPC's and in accordance with the Justice Sector Reform Strategy. With USAID JSDP II assistance, working groups produced concrete strategic results for judiciary in BiH.
- The institutional, technical and organizational framework has been established to initiate a system of written testing for judicial candidates, as have improvements in the system of oral interviews with candidates. USAID JSDP II also strengthened the capacities of the relevant HJPC Secretariat departments. The new system will provide an objective and transparent system of selection and appointments while it saves precious time to HJPC members working in related panels, giving them extra time to invest in other important

Council's competences. Law faculties throughout the country will come under pressure to improve their curricula, and the public will have much more respect for and confidence in judges and prosecutors selected and appointed under such system than it has it at the moment.

- The initial evaluation of the new BoR on orientation judicial performance measurement, conducted by two biggest first instance courts in the country, provided the HJPC with useful feedback and strengthened communication between the professional community and the Council.
- The drafting and adoption of the new BoR on Prosecutorial Performance Measurement for prosecutors in BiH allowed the HJPC to determine human resources for the prosecutorial system in BiH, to increase the quality and quantity of work of individual prosecutors and chief prosecutors with accurate information on effectiveness and efficiency of their POs. The hard work of those prosecutors working on more complex cases such as organized crime and corruption cases will be recognised and rewarded. New optimal and foreseeable deadlines for cases before Courts and POs and related Book of Rules are ready for piloting. Once the courts and POs develop their individual predictable case deadlines, the HJPC, court presidents and chief prosecutors will be in a position to detect those court and POs departments that dispose of their cases within the optimal times and those that do not. This will logically lead to identification of the internal and external weaknesses contributing to bad performance and necessary measures to deal with the problem. Optimal and predictable deadlines developed by the WG will become a tool of early warning and detecting delays in the system. As a final outcome, the court users will have better services and information about predictable duration of their cases.
- Under the Matrix of Standards, all POs in BiH will eventually become model prosecutor offices through the implementation of standards that reflect best practices in the prosecutors offices administration in the EU and CoE member states.
- Through implementation of the MPOI in all prosecutor offices except the Prosecutors Office of BiH, proper attention and expert support has been provided to a neglected part of the judicial branch of governance in BiH. For the first time, prosecutor offices staff have gained necessary skills and knowledge for the proper functioning of the prosecutor's office administration and adequate support to prosecutors in their day-to-day work. Model prosecutor offices have been equipped with significant and modern IT and office equipment enabling them to implement the case management system (TCMS), to improve the efficiency of prosecutor offices' administration and to introduce e-justice into the BiH prosecutorial system.
- Key staff in model POs gained a basic knowledge on how to conduct strategic planning and program budgeting and how to manage properly their finances. They can argue better for their budget proposals before respective parliaments and executive branches and make stronger requests for the resources necessary for implementation of their mandate.
- The T-Portal, a knowledge management tool for collecting, disseminating, and exchanging educational, referential and informational materials for prosecutors and prosecutor offices' administration is a valuable and useful tool that might have huge positive effects on the prosecutorial system in BiH. The T-Portal serves as a communication forum for prosecutors and heads of prosecutors' office administration. The Online Library segment provides prosecutors with relevant domestic and international regulations and jurisprudence as well as data about confirmed indictments. All of that is necessary for their efficient work on individual cases. The forum for prosecutors is used to

initiate discussion about certain legal institutes, to share dilemmas/questions/problems with other colleagues, thus creating a possibility of conducting a critical assessment of current regulations and practices and encouraging active participation in reforming substantive and procedural laws. The Prosecutorial Administration segment provides leading administrative staff in POs with all relevant legislation, all internal regulations from all POs and with application for fixed assets management. The application for fixed assets management provides POs with the possibility to have electronic data on their fixed assets and to manage them in much more efficient way. At the same time the HJPC has the ability to obtain daily accurate data on fixed assets in all POs in BIH. That raises not only the quality of administration in individual POs but also strengthens the level of performance of prosecutorial administration at the HJPC.

PROBLEMS AND ROADBLOCKS

In the third year of implementation, USAID/JSDP II had no major problems or roadblocks, substantially achieved all Work Plan objectives on time and within budget. All problems encountered during previous years were efficiently resolved and USAID JSDP II conducted all activities aimed to strengthening the independence, accountability and effectiveness of the justice sector in accordance with the Workplan.

The HJPC changed Working Group members several times during the reporting period. Some WG members left, either because of the end of their mandate or attempts to more equally distribute tasks within the institution. USAID/JSDP II had to pay special attention to assure the smooth transition of the tasks to new members in order to preserve momentum and avoid delays in WG work. USAID/JSDP II, in conjunction with the HJPC Secretariat staff, provided briefing notes for all new members of the Working Groups.

PROGRAMMATIC DIRECTION

In the first three years, the USAID JSDP II was focused on developing technical capacities of the HJPC by developing and introducing relevant regulations. It also intervened in and reformed selected areas of prosecutor office administration within three waves of POs of the MPOI raising its level of performance and preparing it for the introduction of European standards. The MPOI program has now been completed. In years 4 and 5, the focus will be on implementation of adopted regulations and best practices and providing for their sustainability and impact through continuous and persistent work with the HJPC and model POs.

The outputs of USAID JSDP II efforts during the final two years of the Project will become living tools for strengthening the independence, efficiency and effectiveness of the POs, courts and the HJPC itself, thus strengthening and defending rule of law in the country and preparing it for successful accession to the EU. Such activities were included in the Extension Agreement concluded during Q4, Year 3 and further detailed in the Year 4 Work Plan approved by USAID. The focus of some of these these key activities building on USAID JSDP II Year 3 achievements, can best be summarized as follows:

- Implementing the new judicial and prosecutorial entrance exam. The BoR is expected to be completed during Q1, Year 4 and the first wave of written tests and structured interviews will take place during the first quarter of 2013. USAID JSDP II will assist to make the roll out a success and the process sustainable. USAID JSDP II will field an international short-term experts to provide relevant train the trainers program for the Secretariat and WG, and JSDP II staff will provide preparatory and follow up mentoring as needed. The expected result of this work is that by the end Year 5 the HJPC will be capable of

ensuring an objective and transparent appointment process for all judicial positions.

- Maximizing impact of new case processing timeframes. By the end of Year 3 the HJPC Working Groups on Optimal and Foreseeable Case Processing Timeframes submitted the BoR to the HJPC which is expected to adopt it shortly. USAID JSDP II will immediately support efforts to implement the BoR.
- Implementation of Matrix of European Standards in Selected POs. The MPOI has been fully completed during Year 3. As noted, Prosecutors Offices have benefited from the MPOI to improve their efficiency and performance. During Years 4 and 5, USAID JSDP II will provide technical assistance to selected POs to help them meet the MOS adopted by the HJPC. USAID JSDP II will provide targeted support to nine POs. In addition to its work in support of targeted POs, USAID JSDP II will provide the HJPC with the monitoring and reporting tools to effectively use the Matrix of European Standards to monitor performance in all POs in BiH. Ensuring that the HJPC uses and maintains these tools is essential to institutionalizing the standards within the BiH prosecutorial system.

COMPONENT 2: SUPPORT FOR A BETTER COORDINATED AND MORE UNIFIED SYSTEM OF JUSTICE READY FOR EU ACCESSION

PROJECT IMPACT

During Year 3, negative political and economical trends continued to influence the justice sector in its efforts to achieve the goals set out in the JSRS. Further complications arose from the establishment and functioning of governments at all levels of BiH. This included difficulty in the formation of the Council of Ministers and changes in the composition of several cantonal governments as well as attempts to introduce structural changes at the level of the Federation and state level institutions. This situation influenced the functioning of the government institutions, including the justice sector institutions, at all level except in the RS.

In spite of these obstacles, USAID JSDP II maintained a high level of activity, keeping the cooperation with all partners active. This resulted in the establishment of Forum for Joint Policy (FJP) as the strategic planning instrument among levels of government, entities and the District. This promoted the creation of a connection between FJP policy proposals and topics to be discussed at the TCs, and thus furthered widened the scope and areas of interest and activity of FJP.

The FJP produced two policy proposals. The first elaborated the need for the reduction of the fragmentation of judicial budgets; and the second emphasized the need for the establishment of the comprehensive Free Legal Aid system in the country. Both policy proposals served as basic documents for the respective TCs. These important steps by the BH MOJ and HJPC institutions which formed the FJP, with USAID JSDP II guidance and assistance, have developed the professional skills of their staff members and demonstrate the ability to work together at a technical level. The capacity to develop such policy proposals in strategically important areas in the justice sector will be key in the ongoing reform process.

In Year 3, the implementation of the concept of TCs has successfully started. Designed to be venues for open discussion among all levels of BiH government on a single critical issue and related issues, the TCs proved that compromise, even among initially conflicting positions, can always be reached through open discussion and understanding based on sound policy proposals. This exercise is becoming a key method for finding solutions in the justice sector during the BH accession processes to the EU.

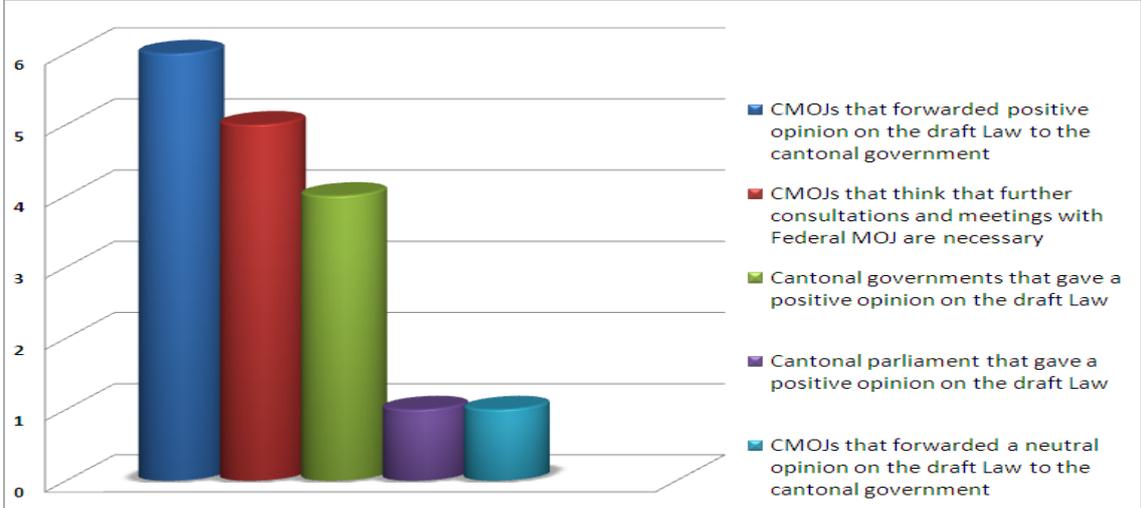
TCs also became a tool for USAID JSDP II to implement its obligation to promote a “Better Coordinated and More Unified Justice Sector Ready for EU accession.” The EU integration processes in the justice sector, are being furthered through the EU led Structured Dialogue. All three topics elaborated and discussed at TCs, were subsequently discussed and followed up at Structured Dialogue sessions. The recommendations made as a result of the Structured Dialogue meetings have been virtually completely in line with the conclusions reached by the TCs. Such coalescence of findings bodes well for action and impact. By way of example, the theme of the TC dealing with the reduction of budget fragmentation and Federation Law on Prosecutors’ Offices, became of a specific recommendations in the Venice Commission Opinion No. 648/2011, dated 18 June 2012, on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina. There is wide recognition by the relevant organizations recognizing the efforts and results achieved by USAID JSDP II in supporting BH JSI in their paths towards EU accession.

Organization of the Third TC by BH MOJ clearly demonstrated that SSPACEI, in cooperation with USAID JSDP II, is capable of successfully coordinating activities involving the participation of governmental bodies at different levels (RS and cantonal Centers for Free Legal Aid and MOJs) as well as UNDP, relevant donor Projects, CSOs and BH MOJ. The Third TC particularly emphasized the need for stronger application of the principle of equal access to justice for citizens throughout the country. It was evaluated by the participants as a very good event which will reactivate activities in this critical reform area.

USAID JSDP II work on the establishment and developing of the strategic planning capacities in the Entity and Cantonal MOJs and Brčko District Judicial Commission was also frequently recognized. Although continuing political problems in the country reflecting to the work of government institutions, the Points of Contact for Strategic Planning (SPCs) at the Entity and Cantonal level and BDJC, attended training, round tables and other forms of USAID JSDP II implemented activities and continued their work notwithstanding the circumstances.

Such efforts to improve the capacity and participation of the respective JSIs’ in the implementation of the JSRS Action Plan has resulted in an increase of the completed or partially completed activities in the respective strategic areas of the JSRS. Although progress remains limited, it demonstrates that SPCs, assisted by the USAID JSDP II program activities, remain dedicated to the goals of the justice sector reform and do have results and impact.

Overview of the current status of the Law on Prosecutor’s Offices in FBH as of July 2012



CMOJ – Cantonal Ministry of Justice

USAID JSDP II implemented a set of outreach activities in order to provide support to organization and implementation of conclusions reached at the TCs. USAID JSDP II sought, promoted and achieved the appropriate representation and participation of JN members during TCs. This participation, achieved by the cooperation of Components 2 and 3 ; resulted in the JN publically stating that: 1) they support the introduction and implementation of TCs as designed, and 2) that JN members support the adopted conclusions and the timeline for implementation, because it is in the interest of both justice sector and citizens of Bosnia and Herzegovina.

Through implementation of TCs, it is now becoming clear that USAID JSDP II produced a higher level of awareness of the need for action to address the topics elaborated during TCs and potential reform. By assuring the increased participation by professional and political decision makers, from MOJs, the HJPC, Court Presidents, Chief Prosecutors, CESTs, NGOs, professional associations, donors and other legal professionals, increased support has been achieved for the implementation of the TCs’ consensus based conclusions.

One of the most important impacts USAID JSDP II produced during Year 3, was the initiation of the activities of HJPC towards elimination of fragmentation of financing of the judicial institutions in FBH. Assisted by USAID JSDP II, HJPC has started acting in accordance with the recommendations from the first FJP policy proposal and conclusions from the TC dedicated to this issue. Together with discussions on the Draft Law on Prosecutors’ Offices in FBH, there is increased awareness of the governmental structures in FBH of the proposed changes. These changes, now actively promoted and advocated by HJPC and FBH MOJ, with USAID JSDP II assistance, has resulted in broad support and consensus at the professional level in a number of Cantonal MOJs for reform.

Component 2 - Year 3 - Benchmarks Achieved	
Benchmarks	Results
<ul style="list-style-type: none"> Capacity of MOJ and HJPC strengthened to the level that enables them to develop policy proposals; JP drafts three analyses/policy proposals; 	<ul style="list-style-type: none"> ➤ <i>Fully Achieved through training and mentoring.</i>
<ul style="list-style-type: none"> With the participation of USAID JSDP II, justice sector institutions select priorities in JSRS AP and organize four Thematic Conferences through which they will concentrate on resolving of most important issues in BH judiciary, thus contributing to better implementation of JSRS AP; 	<ul style="list-style-type: none"> ➤ <i>Priorities from the JSRS AP identified, three Thematic Conferences organized.</i>
<ul style="list-style-type: none"> Enable public access to relevant information from the Documentation System; 	<ul style="list-style-type: none"> ➤ <i>Partially achieved, remains in progress.</i>
<ul style="list-style-type: none"> Strengthened strategic and policy capacities of the entity Ministries of Justice, following the establishment and staffing of strategic policy units at these institutions; 	<ul style="list-style-type: none"> ➤ <i>Strategic planning and policy capacities strengthened through training and increased staffing at the Entity MOJs.</i>
<ul style="list-style-type: none"> On USAID JSDP II initiative HJPC initiates starts pilot activity which may lead to proceedings for amending of laws that will lead to reduction of budget fragmentation in FBH. 	<ul style="list-style-type: none"> ➤ <i>Fully achieved. Following the Thematic Conference, HJPC initiated activities directed at amendments of relevant laws to reduce fragmentation.</i>

2.1. *Creation of “Forum for Joint Policy (FJP)” with HJPC and MOJ, and building the capacity of MOJ/HJPC policy units for policy analysis and writing of policy proposals*

In Year 3, Component 2 Work Plan USAID JSDP II committed to achieving the following results:

- FJP drafts two analysis/policy proposals;
- Department for Planning and Strategic Policy (DPSP) of the HJPC’s Secretariat coordinates strategic planning activities within the HJPC’s Secretariat and providing drafts of strategic policy analysis and policy proposals to the HJPC, and serves as expert support for FJP;
- SSPACEI drafts strategic policy documents for BH MOJ, and serves as expert support for the FJP;
- Justice Network members included into synergized efforts for promotion of most significant policy changes and monitoring of progress in implementation of the priority activities from JSRS AP.

All of the planned results were achieved except for the second item DPSP, which was partially achieved.

FJP completed two policy proposals of strategic importance for the justice sector in BH. The first policy proposal elaborated the need for a reduction of fragmentation of budgets and funding sources for judicial institutions in the Federation of BH. The HJPC took the lead in the creation of this policy proposal. This policy proposal focused on the need of a more efficient way of financing the judiciary. USAID JSDP II provided 2 budget experts to the HJPC during Year 2 of the Project. Their extensive report served as a key source of information and guidance to the conclusions and recommendations in the policy proposal. The contribution of the HJPC Standing Committee on Judicial and Prosecutorial’s Budgets and the Department for Judicial Budgets and aid Coordination of HJPC’s Secretariat in the development of this budget proposal was of the key importance.

The second policy proposal related to the need to establish a comprehensive Free Legal Aid system in BH. BH MOJ was the leading institution in the creation of this policy proposal. As with the HJPC in the previously described case, it demonstrated that both institutions, if properly prepared and dedicated to the specific task, are capable of producing such complex documents, based on the multidisciplinary approach, with increased level of internal cooperation and coordination, and productive marshalling of their internal capacities. Both of the policy proposals became the basic documents for the planning and organization of the Thematic Conferences during Year 3.

USAID JSDP II planned to invigorate the role of the Department for Planning and Strategic Policy (DPSP) of the HJPC’s Secretariat during Year 3. To this end, contact and cooperation with these HJPC structures was increased, promoting the advantages of the DPSP being more actively involved in the internal processes leading to stronger strategic planning and monitoring of the progress of the HJPC key activities. Notwithstanding, HJPC remained static, with little evidence of progress in the usage of the DPSP. USAID JSDP II managed to keep DPSP active in processes of consideration of approaches to the topics selected for the policy proposals, and a future source of the assistance for the HJPC structures involved in creation of upcoming policy proposals. USAID JSDP II considers that the DPSP remains a

key HJPC Secretariat asset for more effective involvement in HJPC in the EU integration processes.

The capacities of SSPACEI have developed sufficiently to become the main expert support and resource for the FJP. It now plays a leading role in the creation of policy proposals. Specifically as related to the establishment of the comprehensive Free Legal Aid system in BH, it demonstrated that USAID JSDP II efforts to place SSPACEI at the center of BH MOJ strategic planning processes, bore fruit.

As the FJP concept developed through a variety of USAID JSDP II activities, it became evident that policy proposal concepts would benefit from views and support from broader social sources, especially those outside of the formal JSI. Therefore, USAID JSDP II aimed to strengthen the role of CSOs through the Justice Network and thus enhance the FJP driven process. In Year 3 JN members played significant role and were included in efforts for the promotion of the most significant policy changes and the monitoring of progress in implementation of all priority activities in the JSRS AP.

2.2 Strengthening the capacity of SSPACEI to implement JSRS

In Year 3 Work Plan USAID JSDP II committed to achieving the following results:

- SSPACEI effectively implements relevant obligations from the JSRS Action Plan and provides necessary support to the Technical Secretariat and FWGs for implementation of the JSRS;
- With the participation of USAID JSDP II justice sector institutions select priorities in JSRS AP and organize four Thematic Conferences through which they will concentrate on resolving of most important issues in BH judiciary, thus contributing to better implementation of JSRS AP;

All of these results were fully achieved.

SSPACEI is the coordinating agency for all activities in JSRS AP implementation. It coordinates the work of Technical Secretariat (TS) and FWGs, and is the most important player in the organization of the Ministerial Conferences. Unfortunately, negative developments in the political situation in the country also reflect on progress in the justice sector. SSPACEI also continued to suffer frequent staff changes during Year 3. With USAID JSDP II support, SSPACEI maintained its existing level of activity. It further assumed a significant role in the Structured Dialogue by enriching the BH MOJ's approach with experience it accumulated through the JSRS AP implementation, including its work with USAID JSDP II.

With USAID JSDP II support during Year 3, SSPACEI continued to improve an environment in which TS and FWGs played their coordinative roles in spite of negative political developments. Additionally, some JSI continued to neglect their roles arising from JSRS AP implementation. The quality of SSPACEI reporting to TS and Ministerial Conferences improved slightly and contributed to the improvements to the format of Ministerial Conference. With the assistance of USAID JSDP II, SSPACEI managed to establish itself as the most organization in the system for the coordination in JSRS AP implementation.

Based on close observation USAID JSDP II concluded that the existing format of the Ministerial Conference did not lend itself to the thorough discussion of specific topics of the strategic importance for the justice sector. Based on this, the concept of Thematic Conferences for the justice sector was developed and accepted by the JSI at the 6th MC. The

TC concept offered USAID JSDP II active participation in selection of topic as well as the preparation and implementation of TC. The concept created the TC specifically as a venue for discussing controversial and important topic for the justice sector, allowing for open and sometimes diverse discussions, aimed at limiting differences and reaching consensus on further action and defining the further course of action.

In this approach, follow up activities become critically important in guiding consensus to concrete results. For that purpose, USAID JSDP II amended the Year 3 Workplan to introduce activities, including the development of a focussed questionnaire to measure progress made and identify remaining sticking points to be addressed by the parties. Each TC will be followed up specifically in this manner, for purpose of informing the MC and other justice sector institutions about the progress made, and the analyses and planning of the future steps required.

The role of the SSPACEI in implementing the concept of TC was significant. During the initial phase of presenting the idea to JSI, in its involvement in selecting topics for TCs, the creation of policy proposals which initially informed the discussions, to its involvement in the technical organization and implementation of the TCs, SSPACEI staff was dedicated and professional. SSPACEI became indispensable in the implementation of TCs, independent of which JSI is the TC host.

As mentioned in Activity 2.1 above, involvement of the CSOs through JN members in the support of FJP work and also in the concept of TC, was a logical step in the development of the TC concept. It was the FJP members who realized the need for JN assistance in this regard so as to benefit the justice sector with cooperation with the public.

USAID JSDP II encouraged JN members to be engaged at all stages of preparation for TCs, including the selection of topics. USAID JSDP II supported the JN viewpoint in the preparation and discussions during the respective TCs; and in doing so cleared the way for signing a Letter of Commitment between the HJPC and BH MOJ, as founders of FJP and the JN. The Letter of Commitment will define topics and modalities for cooperation between FJP and JN in the future, and create the framework by which advocacy, monitoring and other JN skills, will become a productive instrument for the benefit of the citizens as users of JSI services. This experience is an interesting example of the synergies created by different activities within USAID JSDP II bringing together a broad range of stakeholders with the objective of serving citizens through a more independent and capable justice sector.

With the assistance of USAID JSDP II, three TC were organized during Year 3 of the Project. Hosted by the FBH MOJ, HJPC and BH MOJ respectively, they discussed the Draft Federation Law on Prosecutors' Offices, the Reduction of Fragmentation of Financing of the Judicial Institutions in FBH, and Establishment of the Comprehensive Free Legal Aid system in BH. USAID JSDP II and host institutions received compliments for initiating and

3rd Thematic Conference on topic of reducing fragmented financing of the judiciary in FBiH



(photo by USAID JSDP II)

“Timing of the Third Thematic Conference was perfect for summarizing the achievements in the area of establishment of the Free Legal Aid system in BiH but also for all institutions, international organizations and NGO involved to synergize their efforts and complete this task.”

Ms. Sanela Paripovic, Project Manager, UNDP BH

organizing the TC, the introduction of which gave the justice sector in BH a new, specific instrument for addressing and overcoming obstacles to the implementation of the JSRS. All themes dealt with to date have also become important topics for subsequent discussion during the Structured Dialogue with the EU.

2.3 Upgrade MOJ Documentation System (DS) for tracking JSRS implementation and enable access for the public

In Year 3 Work Plan USAID JSDP II committed to achieving the following results:

- **Utilize the upgraded Documentation System established for a more effective monitoring of the implementation of the JSRS;**
- **Enable public access to relevant information from the Documentation System;**

These results were not fully achieved but are slated for completion during Q1 of Year 4.

Since its establishment, the Documentation System has become an integral part of the JSRS implementation monitoring permitting all users transparent access to all relevant JSRS information. It provides essential support to SSPACEI and the Technical Secretariat to effectively monitor the JSRS implementation and in the preparation for the semi-annual Ministerial Conferences. The DS contains all relevant information and documents, allows access to all relevant justice sector institutions, five civil society organizations and eventually the public in monitoring the implementation, to all JSRS related documents (reports, contacts, meeting invitations, calendars, conclusions, etc.) thus allowing the mining of specific data. Due to initial funding delays in the adoption of the BH budget, the BH MOJ was unable to provide funds for administration of the Documentation System by January 2012, as agreed when the DS was established. The BH MOJ pledged that this would be resolved with the adoption of the budget in May 2012. This caused implementation delay, forcing the completion of these activities in Q1, Year 4.

2.4 Strengthening strategic and policy capacities at the entity and cantonal level, including the Brcko District Judicial Commission.

In Year 3 Work Plan USAID JSDP II committed to achieving the following results:

- **Staffing of strategic unit in Entity MOJs completed;**

Documentation System Presented in Serbia

The Documentation System quickly proved to be a success, as recognized by professionals in BH, the EU and the region. At the request of the World Bank in Serbia, in January 2012 USAID JSDP II presented the BH Documentation System in Arandelovac, Serbia, to representatives of that country's justice sector. Serbia is in the process of drafting its' new National Judicial Reform Strategy. USAID JSDP II shared its experiences with the JSRS in BH with specific attention to the development of software and how it contributed to more effective monitoring and implementation. Representatives of the MOJ Serbia expressed satisfaction with the system as presented, and great interest in developing a similar system through sharing knowledge and experiences with USAID and justice sector representatives of BH.



(photo by USAID JSDP II)

"We would like to find out more on how we can use experiences from Bosnia and Herzegovina as soon as possible, in order to develop a similar system in Serbia for monitoring the new National Judicial Reform Strategy."

Dejan Pašić, Assistant Minister in Charge of IT, Ministry of Justice of the Republic of Serbia

- **Strengthened strategic and policy capacities of the entity Ministries of Justice, following the establishment and staffing of strategic policy units at these institutions.**

All of the planned results were fully achieved.

At the suggestion of USAID JSDP II, Entity MOJs continued strengthening of their strategic planning units. This process developed in two parallel processes: the first was adequate staffing of the units, and second was stronger involvement of their SPCs in the ongoing reform processes.

Due to the difficult economical situation in the country and the austerity measures still in place, staffing of the strategic planning units remained limited, so these units have still not been fully staffed. This fact did not prevent USAID JSDP II from continuing to support the process of strengthening the Entity MOJs strategic and policy capacities.

With USAID JSDP II assistance, competent FBH MOJ officials, representatives of HJPC and BH MOJ and CSOs representatives and involve them into constructive presentations, discussions and specification of conclusions at all TCs. By including SPCs in a number of the most important MOJs activities, such as involvement in organization and implementation of TC, regular consultations with SPCs and training significant progress was made.

As the Structured Dialogue develops, USAID JSDP II work with SPCs and their Ministries proved to be of a great value. SPCs played important role in profiling the positions of their institutions regarding questions discussed. Increasing Independence and Effectiveness through Improved Budgeting Processes

2.5.1 Improve capacity of courts to develop needs-based, program budgets

Based on the recommendation in the Formative Evaluation of Justice Sector Development Project II, the activity has been deleted in the revised Year 3 Workplan and is therefore not reported on in this report.

2.6.2 Reduce judicial budget fragmentation through amendments of relevant legislation

In Year 3 Work Plan USAID JSDP II committed to achieving the following result:

- **On USAID JSDP II initiative HJPC starts pilot activity which may lead to amending of laws that will lead to reduction of budget fragmentation in FBiH.**

This goal has been fully achieved.

The problem of fragmented financing of the judicial institutions in FBH has continued to draw the attention of the key players in the judicial reform. It influences the work of the judiciary in every way - from practical obstacles of lack of funds for the day-to-day administrative operations, up to the inability of the state to implement fundamental principles such as an effective, efficient, independent and professional judiciary and equal access to justice for its' citizens.

'In order to reduce fragmentation of financing of judicial institutions in Bosnia and Herzegovina, that first has to be achieved in the Federation of BiH'

Džerard Selman, former Minister of Justice of RS

To address this issue, USAID JSDP II undertook comprehensive set of activities to achieve its goal. In close cooperation with HJPC, USAID JSDP II first facilitated the FJP to develop a policy proposal which analyzed the existing system of financing of the judicial institutions in

FBH, compared it with other systems and concluded that reducing the fragmentation of the system is the only way to improve this situation. Based on this recommendation, the HJPC, with the USAID JSDP II assistance, hosted the TC dedicated to this issue. The TC was widely attended by JSI, CSOs and legal professionals who participated in the vivid discussions and expressed apprehension based on negative experiences with the current system. Support for the reduction of fragmentation in the financing of JIs in the FBH was unanimous. Based hereon, the HJPC, with USAID JSDP II support, started consultations with the competent Government institutions. The FBH MOJ repeated, in the presence of the FBH Ministry of Finance representatives, that the HJPC and the judiciary in the Federation will have full the support of FBH MOJ in promoting the conclusions and taking steps towards xx implementation.

USAID JSDP II used the opportunities arising from our regular contacts with Cantonal MOJs to keep promoting this HJPC-led activity. The consultative meetings between HJPC and representatives of Cantonal Governments and parliamentarians have been announced for early fall 2012. SAID JSDP II approach to this issue has been to increase awareness of the judiciary and the professional community that one of the biggest problems in the judiciary - fragmented financing, has been given proper attention and the activities towards its resolution have commenced. Further importance to this topic, as well as to the establishment of comprehensive Free Legal Aid system, and adoption of the FBH Law on Prosecutors Offices, was the inclusion of these topics as regular Agenda items in the Structured Dialogue. In addition, the reduction of budget fragmentation and FBH Law on Prosecutors' Offices were given specific recommendations in the Venice Commission Opinion No. 648/2011, dated 18 June 2012, on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina.

2.6.3 Strengthen capacities of courts to execute budget operations through installation of software

Based on the recommendation in the Formative Evaluation of Justice Sector Development Project II, the activity was been deleted from the Work Plan and will therefore not be reported on.



PROBLEMS AND ROADBLOCKS

The problems and roadblocks for the Component during Year 3 largely remained the same as during Year 2 of the Project. USAID JSDP II sought to address the issues relevant to Component 3 as follows:

- The political situation in BH further continues to raise concerns. In spite of formation of the Council of Minister and most of the other governments, political instability is still present, especially in FBH. A number of Ministers of Justice have been replaced due to the turbulent and unclear outcome of elections and the latest redefinition of relations between the political parties. Some new Cantonal Ministers of Justice have been appointed but the RS MOJ does not have been without a Ministers for some time. USAID JSDP II remained active in cooperation with these JSI within the existing limitations.
- In this situation, presence of USAID JSDP II remains of the key importance. Support the Project provides has continued to be a major tool for maintaining an active approach to resolving of issues and implementing the planned JSRS activities, even during periods of political instability.
- The BH MOJ as well as the RS and FBH MOJs dedicate increasing time and effort to work on issues not directly connected with the strategic activities and programs not in the JSRS AP. The commencement of the Structured Dialogue places a significant additional burden on the strategic planning resources and capacity of the JSI. The JSI is limited by austerity measures in attempts to strengthen their strategic planning capacities. As such, HJPC and most of the MOJs in BH suffered a shortage of staff to address the additional burdens. USAID JSDP II invested additional efforts to continue providing the planned assistance to JSI.
- The tendency of insufficient inter-institutional cooperation has continued in Year 3 of the Project. It is one of the biggest obstacles in the execution of tasks arising from JSRS AP. USAID JSDP II continued to make efforts to improve cooperation between BH MOJ and HJPC through the FJP. Good examples of inter- institutional cooperation, including inter-jurisdictional JSIs, were achieved during the preparation implementation of TCs. Such cooperation at the professional, technocratic level may become an example for future cooperation.
- The existing system of functioning of HJPC and inability to react promptly to the USAID JSDP II proposals was particular issue for the Component 2 during Year 3 of the Project. This obstacle is being solved by USAID JSDP II using an active approach of communication with HJPC at the technical level, and planning preparation for specific activity in an early, timely manner.

PROGRAMMATIC DIRECTION

In Year 4, USAID JSDP II will continue to provide support to BH MOJ and HJPC regarding the functioning of FJP. This support will be directed towards further creation of policy proposals and converting them through focussed advocacy into actions aimed at bringing significant improvements in the BH justice sector. Particular attention will be given to the broadening of FJP interest and activities, both with other JSI and JN (as elaborated in more detail under component 3).

Further assistance to these institutions will be given through the judicious selection of topics and the organization and implementation of Thematic Conferences. Based on the previous

success, during Year 4, first jointly organized TC will take place late in 2012. USAID JSDP II will continue to develop and administer questionnaires, adjusted to the topic and conclusions of each TC. Such questionnaires will ensure the accurate data on the implementation of the conclusions, identify outstanding obstacles to be addressed and give direction for a more pro active USAID JSDP II involvement to achieve concrete results and impact.

USAID JSDP II will continue to work with the SPCs at the Entity and Cantonal level as well as BDJC. Particular attention will be given to further strengthening the strategic planning capacities at the Entity MOJ level. In addition to this, USAID JSDP II will strengthen efforts to increase the level of cooperation and between FBH MOJ and Cantonal MOJs, and between Cantonal MOJs.

USAID JSDP II will continue to support SSPACEI in a more limited and focussed manner. SSPACEI has matured and now successfully plays the active position as foreseen by the JSRS and BH MOJ internal documents. In addition SSPACEI now has a leading role in other important developments such as the EC led Structured Dialogue.

In Year 4, USAID JSDP II will continue to support HJPC in their efforts towards establishment of a more unified system of financing of the judicial institutions in FBH through reduced number of budget sources. To that end, together with other planned activities, USAID JSDP II will provide HJPC with the expert assistance which will contribute to the HJPC overall advocacy campaign in promotion of the planned improvements contributing to independence and professionalism of the judiciary, as well as equal access to justice.

COMPONENT 3: BOLSTERING PUBLIC CONFIDENCE IN THE RULE OF LAW

3.1. Bolstering Public Confidence in the Rule of Law through Strengthened Capacity of NGOs to Conduct Ongoing Oversight, Analysis and Advocacy in the Justice Sector

One of the key areas of work for USAID JSDP II has been an expanded engagement with civil society, with an aim of reaching the grassroots and helping establish a culture of rule of law in BiH. This because it is believed that without the commitment and trust of ordinary citizens in a rule of law system cannot become adequately entrenched.

To that end, USAID JSDP II helped establish and develop the Justice Network, now comprised of 63 NGOs and professional associations in the justice sector. Through the establishment of the coordination committee, the development of the annual coordination plan and the use of established communication tools (group mailing list, website), as well as through face-to-face meetings of its working groups (advocacy and UPR working groups), peer review opportunities and the annual conference, the Justice Network acted in a coordinated and strategic fashion. In year 3 especially, the development of Justice Network (JN) members focused on strengthening them as advocacy organizations, a focus to be maintained in the remaining of USAID JSDP II implementation period. USAID JSDP II focus has thus primarily been on: 1) having CSOs commit to using advocacy strategies as tools for effecting specific changes, 2) building CSOs skills necessary for employing advocacy tools, and 3) having CSOs use the collective strength of their partnerships built through the network in order to increase their advocacy impact.

All three of these developmental factors are crucial to strengthening an advocacy organization. Unlike the more traditional service-delivery CSOs, advocacy organizations require not only the technical skills, but also an adaptive leadership and management, which is more externally focused, i.e. more focused on media relations, coalition building, external strategizing, mobilizing allies and similar. This because *'[e]ffecting change through advocacy is essentially about persuading individuals to change behavior or take action: a legislator's vote, a judge's interpretation of the law, a citizen's action on behalf of change.'*⁵

That is why in year 3 USAID JSDP II helped JN members to build their technical skills, and strengthen their external relationships, by building alliances and partnerships with other CSOs and the government sector. Only in such a way JN members stand a chance to draw on additional resources and position themselves strategically to participate in future developments in the justice sector. As a result of these activities, the Justice Network and Joint Policy Forum of the HJPC and BiH Ministry of Justice agreed on projects of joint interest around which they will build partnerships. The purpose of these partnerships will be joint problem solving, resource exchange, coordination and cooperation. The NGO and government sector will bring together individual institutional capabilities and human resources (skills, experiences, ideas) to tackle common problems that are beyond their individual capacity.

The USAID JSDP II survey of the opinion of Justice Network members on the development of the Network, their capacity to contribute to this process and the role of USAID JSDP II thereof, revealed that respondents thought of the following as greatest benefits of participating in the Network:

- Improved access to governmental institutions (decision makers);
- Opportunity for exchange of information and knowledge;
- Greater public promotion of their own activities (e.g. joint appearances in the media); Facilitation of partnerships with other civil society organizations in identification of needs and objectives, planning and implementation of activities, and fund raising;
- Consolidation of different skills (different organizational and professional capacities) and the opportunity to organize comprehensive advocacy campaigns, taking into account the geographic distribution of organizations in all parts of BiH.

In year 3, USAID JSDP II focused on building the following *technical skills* of JN members: substantive issue knowledge expertise, policy change process knowledge, policy analysis and research skills, financial assessment skill, media outreach skill and project management skills.

The development of an *adaptive leadership and management* was achieved through activities

Grant Award Ceremony - Peer-review of Advocacy Plans for USAID JSDP II Supported Projects



(photo by YIHR)

Grant award to the Association for Democratic Initiatives and Human Rights Center of the University of Sarajevo for the Project Better Justice Sector Reform through JN Monitoring in Selected Areas (UPR)

⁵The California Endowment, *'What makes and effective advocacy organization?'*, pg. 15

which helped strengthen JN member's ability to: develop a coherent advocacy plan addressing multiple aspects of a problem, design an initiative, articulate a vision through strategic planning, network and draw knowledge and input from across the network, as well as assess community needs. Having in mind the importance of monitoring as a part of the advocacy cycle, USAID JSDP II developed the first BiH Justice Sector Monitoring Manual. This Manual will enable the civil society to more effectively monitor the performance of the justice sector, as well as the impact of legal and judicial reform to improving its performance.

All this was accomplished through the method of experiential learning (learning by doing), which was also relevant to assessing whether and how effectively these USAID JSDP II contributions are utilized by advocacy grantees. Such an approach has also helped multiply the impact of the work of USAID JSDP II with CSOs, by supporting CSO advocacy initiatives that contributed to the overall policy and legislative reform goals of USAID JSDP II.

These advocacy initiatives were supported through a grant fund of USD 162.200, and helped bring forward the implementation of justice sector reforms as set out in the BiH Justice Sector Reform Strategy, War Crimes Strategy or UN Human Rights Council Universal Periodic Review recommendations to BiH (UPR).

The results of 6 advocacy initiatives of 12 civil society organizations (8 NGOs and 4 professional associations) members of the Justice Network (JN), implemented from September 2011 to May 2012, include:

- The commitment of the Ministerial Conference to include the JN in consultations on the drafting of the updated BiH Justice Sector Reform Strategy and its Action Plan, as well as to incorporate in the Strategy a number of JN recommendations stemming from the monitoring of the implementation of rule of law related UPR recommendations. The end goal of these recommendations is to improve the independence and accountability of the judiciary. (ADI and Human Rights Center Sarajevo)
- The increased interest of CSO to contribute to the process of the justice sector reform, as demonstrated through a steady increase of the Justice Network membership. During 2011/2012, the number of JN members increased from 57 to 63.
- The increased media interest in CSO advocacy for an enhanced judiciary, as demonstrated through greater media reporting on the work of JN. For example, the TV documentary produced by the JN on the independence of the judiciary was aired at prime-time on the BiH TV1, and registered a viewership similar to the size of the viewership of News on BiH TV 1, which is the most popular show of this public broadcaster. (ADI and Human Rights Center Sarajevo)
- The improved FBiH Law on Domestic Violence is now in the parliamentary procedure, a result



of the advocacy of two JN members carried out in partnership - the Foundation for Local Democracy and Association of Women Judges. Due to their advocacy, in 2011/2012 there was also a 15% increase in the use of protective measures by the judiciary, relevant to providing the legal protection of the victims of domestic violence.

- As part of their advocacy for a more efficient judiciary through the introduction of mandatory mediation in a selected number of commercial and civil cases, the BiH Association of Mediators and BiH Association of Judges presented to the state and entity Ministries of Justice Recommendations for Amendments to the Contract and Tort Law supported by a comparative analysis of European practices.

- As part of their advocacy for increased transparency of the judiciary and improved relationship between media and judiciary, BIRN and F BiH Association of Prosecutors facilitated 5 roundtable discussions throughout BiH between 72 representatives of media and the judiciary. BIRN also filed a complaint to the Ombudsman Office against the State Court and Prosecutor's Office for the alleged violation of the Law on Freedom of Access to Information. This alleged violation resulted from a recent restrictive interpretation of the Law on Protection of Personal Data, which led to the redaction of the names of parties in published court decisions, highlighting for court presidents and chief prosecutors the inherent conflict between the requirement for public hearings and the protection of personal data.

JN member response about benefits of joining the Justice Network

'The involvement of a large number of different organizations in the Justice Network (JN) contributes to its increased advocacy power and of its individual members. The complementary capacity and geographic distribution of the JN membership present an advantage in the organization of advocacy campaigns and secure the inclusion of different relevant actors in the advocacy processes'

Needs Assessment for the USAID JSDP II Support to Justice Network in 2012/13. May 2012

- As part of their advocacy for management and administration practices of the prosecutor's office in line with EU standards, CIPP Zvornik and DON Prijedor were the first two NGOs in BiH which issued a monitoring report with specific recommendations on how to increase the quality of service of prosecutor's offices to citizens of BiH.

- Mediacentar and Analitika, in cooperation with associations of judges and prosecutors, provided public legal education to elementary and high school students. To that end they: 1) facilitated the establishment of self-sustainable cooperation between schools and court and prosecutor's offices in 12 local communities through the program named 'Adopt a School', 2) through judges and prosecutors in classroom program and mock trials, presented the judiciary and the role it plays in the society to students of 22 schools throughout

Training for improved implementation of protective measures for victims of domestic violence



(photo by FLD)

Training for police officers, prosecutors, social workers and NGOs in the implementation of protective measures in cases of domestic violence

BiH, and 3) developed a standardized training program for judges and prosecutors on how to best deliver public legal education programs for the youth of BiH. Mediacentar and Analitika also advocated for the institutionalization of public legal education through the inclusion of issues of the rule of law and the basics of the functioning of the legal system in the elementary and high school curricula. They did so by presenting to the HJPC, Ministries of Justice and education ministries the first ever Assessment of Needs and Opportunities for Public Legal Education in BiH with specific recommendations.

In conclusion, JN members, through these projects embraced evidence-based advocacy for policy and legislative change relevant to the justice sector reform, thus moving away from mere publication of problems in the sector.

They did so by producing specialized reports and concrete policy proposals, as well as through the establishment of partnerships with courts, prosecutors, Ministries of Justice and HJPC in order to improve their responsiveness. They also seized opportunities which presented themselves, such as the EU led structured dialogue on the justice sector reform and changes in the government resulting from October 2010 elections. Finally, they used the strength of their own network and partnerships they built among themselves to increase their advocacy capacity.

USAID JSDP II also introduced the practice of the peer review of its grantees' advocacy plans and impact. The peer review events were attended by CSOs, representatives of the Ministry of Justice and HJPC, donor and international community representatives (Swiss Embassy, UNDP, OSCE, FCO UK, EUSR, USAID Choosing Peace Together Project, and EU TACSO). All participants of the peer review noted that this was the first such event they attended and recommended it be adopted and further promoted as a standard practice due to a number of benefits it brings to all of the involved - experiential learning, networking and partnership building, as well as better donor coordination. Finally, peer review helped CSOs learn that effective advocacy requires critical analysis, flexibility, and determination to see the problem through to its resolution.

Overview of Advocacy Impact of USAID JSDP II Grantees

Grantee CSO	Advocacy Initiative	Impact
ADI, Sarajevo	Better justice sector reform through JN monitoring in selected areas (UPR)	The commitment of the Ministerial Conference to include the JN in consultations on the drafting of the updated BiH JSRS and its Action Plan;
HRC UNSA, Sarajevo		Increased media interest in CSO advocacy for an enhanced judiciary
BIRN, Sarajevo	Local Justice under Spotlight 2011/2012 – Advocacy for Transparent Judiciary and Responsibility of the Media	Initiated public debate on the interpretation of the Law on Protection of Personal Data and its impact on transparency of the judiciary and relationship between media and judiciary
FBiH AP, Sarajevo		
BiH AJ, Sarajevo	Legislative advocacy to secure mandatory application of mediation and increase the efficiency of judiciary	Developed and presented to MOJs draft amendments to the Contract and Tort Law supported by a comparative analysis of European practices
BiH AM, Sarajevo		
CIPP, Zvornik	Monitoring and assessment of achieved European standards in selected Prosecutor Offices in RS	Published first NGO report with specific policy recommendations on how to increase the quality of service of prosecutor's offices in BiH
DON, Prijedor		
FMC, Sarajevo	Public Legal Education – Support to Judiciary in BiH	Facilitated the establishment of self-sustainable cooperation between schools and court and POs; judiciary and the role it plays in the society presented to students of 22 schools throughout

Analitika, Sarajevo		BiH; developed a standardized training program for judges and prosecutors on how to best deliver PLE programs for the youth of BiH
FLD, Sarajevo	Advocacy for the Implementation of the Law on Protection from Domestic Violence	The improved FBiH Law on Domestic Violence in the parliamentary procedure; 15% increase in the use of protective measures by the judiciary
BiH AWJ		

3.2. Public Confidence in the Rule of Law Advanced through Increased Transparency of Judiciary as a Result of Civil Society Advocacy and Oversight of Justice Sector Issues

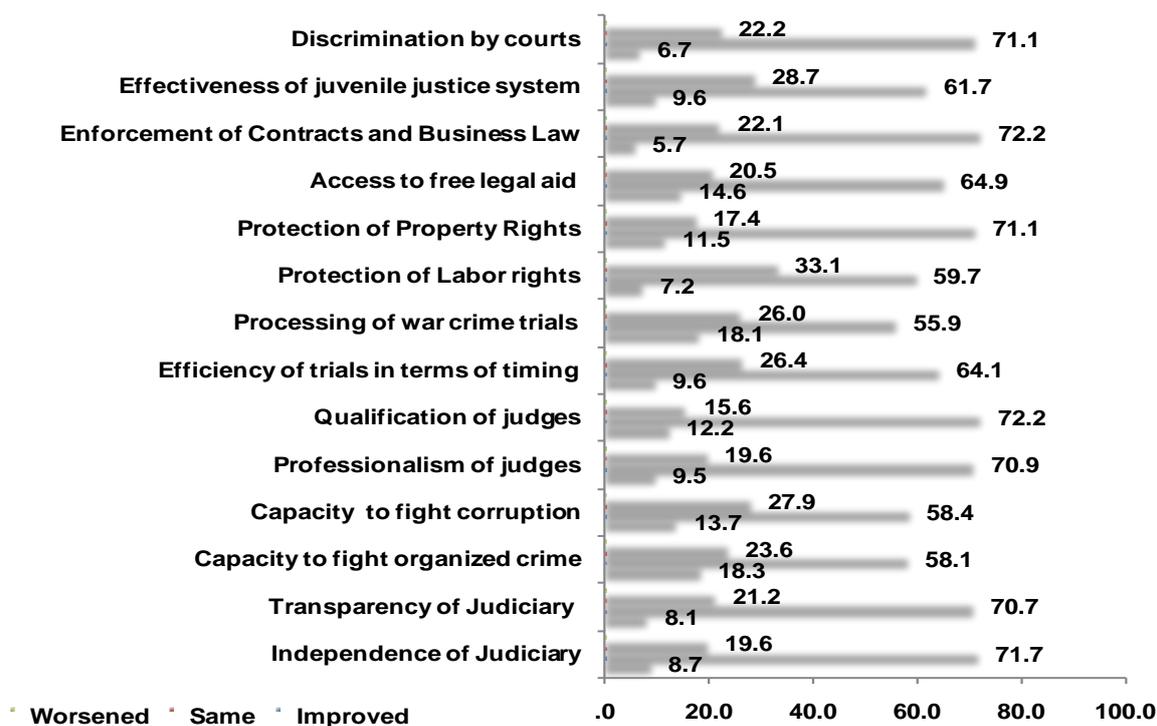
However, based on the comparison of results of public opinion surveys conducted by USAID JSDP II in 2010 and 2012, the public trust in all institutions and civil society organizations is in decline. In general the police retained the best trust score while political parties are still trusted the least. As in 2010, in 2012 the judiciary is trusted more than political leaders and the executive and legislative branches of government, but less than the civil society organizations. This score places the judiciary in the middle of the public trust scale. Local courts are still trusted the most, followed by the BiH State Court, entity and cantonal/district courts and prosecutor’s offices respectively. **When asked to evaluate the judicial system based on specific issues (see below Chart 1) the majority of respondents (between cca 55% and 75%) thought that the situation remained the same as three years ago.** Still around 30% of respondents stated that there was a reduced effectiveness of the juvenile justice system, around 26% thought that courts were less efficient now than in 2010, whereas around 33% of respondents thought that courts were less able to provide the protection of their labor rights now than three years ago. Finally around 28% of respondents thought that there was a reduced effectiveness of the judicial system to fight corruption. Only up to 10% of respondents thought that there was improvement in the judicial system.

The nongovernmental organizations are positioned at the third place of the public trust scale (after the police and the media, respectively). However, in comparison to 2010 the public trust in NGOs in 2012 declined for 8.5%. The potential reason for such decline is a 64.3% reduction of participation of citizens in the work of NGOs (as members, employees, volunteers, or through donation of money or goods) in the period 2010 – 2012. Insufficient visibility of NGOs (52.5%) and lack of time for participation (36.3%) are stated as the most common reasons for reduced participation in the work of NGOs.

Some of the reasons for the above described overall decline of public trust in the government sector including the judiciary, as well as in the civil society organizations (between cca 5% - 8%), despite positive project outcome, are noted below under the sections *Problems and Roadblocks*. Finally, placed in the global context such decline of BiH public trust in the government sector is in line with the worldwide trend caused by the political and financial crisis in 2011.

Chart 1. Evaluation of Judicial System

Question: *In your opinion, compared to 3 years ago, has this situation improved, stayed the same or worsened?*[as % of respondents]



In addition to the work with CSOs, USAID JSDP II provided training for judges and prosecutors ‘*Advocacy by Judges and Prosecutors in line with their Codes of Ethics*’ in direct cooperation with entity judicial and prosecutorial training centers. The training sessions offered the opportunity for judges and prosecutors to learn that they have not only the right, but also the responsibility to speak out, advocate for sound judicial sector policies and educate the public about their work, its challenges and relevance

PROBLEMS AND ROADBLOCKS

As previously indicated, the BiH NGO sector is very dependent on international donors for its survival. While the JN members are demonstrating some ability to secure co-funding and to diversify funds for their advocacy efforts (e.g. BIRN, ADI, Human Rights Office Tuzla, BiH Association of Women Judges, Foundation for Local Democracy etc.) they still rely on continued technical and financial support by USAID JSDP II. That said a USAID study showed that donor support is most crucial in the network startup phase, the current developmental stage of JN, in the duration of approximately five years.⁶ By the same token the recommendation from the Formative Evaluation of USAID JSDP II is that USAID JSDP II continues to support the JN to give it a stronger chance of sustainability. With that in mind, in its year 4 workplan, USAID JSDP II proposed activities which aim at: 1) securing the sustainability of benefits of the JN, 2) supporting JN monitoring, advocacy and public awareness programs in the justice sector, as described under the section *Proposed Programmatic or Tactical Changes*.

⁶Liebler, Claudia and Ferri, Marisa ‘*NGO Networks: Building Capacity in a Changing World*’, Study Supported by Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Private and Voluntary Cooperation, USAID

Other problems and roadblocks include:

- ***Complicated Environment*** – caused by: 1) complex government structure, which requires that NGOs build partnerships with a myriad of institutions, as well as 2) political stalemate which leads to radicalization of political views and polarization of society.
- ***Absence of Democratic Tradition*** - government representatives feel that funding networks of NGOs for the express purpose of advocating policy change is simply an attempt to subvert their existing policies.
- ***Sense of Frustration among Beneficiaries*** – because of the marginalization of many monitoring and research endeavors and the lack of or minimal impact that monitoring and research has had on public policy.

PROGRAMMATIC DIRECTION

To secure the sustainability of benefits of the JN, in year 4 USAID JSDP II will continue to build JN member's technical skills, as well as strengthen the adaptability of their leadership and management through the method of experiential learning. This will be done through: 1) continued capacity building efforts, 2) the public promotion of JN and its activities, and 3) partnership building efforts between JN members and government institutions. In order to achieve greater effectiveness of these efforts, when possible they will be tied to a particular advocacy effort JN members engage in through the support of USAID JSDP II

With regard to the support of JN advocacy, in the first three years the grants program mainly furthered the overall goals of USAID JSDP II, by calling for proposals that enhance the independence, accountability, efficiency of the judiciary and requiring linkages to Justice Sector Reform Strategy or other justice sector strategies (juvenile justice reform, war crimes strategy). With the initiation of the EU structured dialogue on justice sector reform in June 2011, in year 4 USAID JSDP II will also require linkages to recommendations stemming from this process. Given that EU recommendations, are in harmony with and help the NGO advocacy efforts supported by USAID JSDP II to date⁷, this will allow that future support to advocacy efforts of JN build on previous achievements.

However, USAID JSDP II will also continue to support relevant JN advocacy efforts, which are left out of the structured dialogue, such as for example the juvenile justice reform, access to justice by marginalized groups (women) and anti-corruption efforts (tackling both corrupt practices in the judiciary and increasing the ability of the judiciary to fight corruption in general) due to their great and direct impact on public confidence in rule of law.

That said, in line with the Country Development Cooperation Strategy for Bosnia and Herzegovina 2012-2016, through its work with the JN on the above described activities USAID JSDP II will seek to identify, mobilize and empower drivers of change (youth, women, small and medium enterprises), who stand to gain from challenging the undesirable status quo. Also, since anti-corruption is part of a general effort to establish equality before the law and a rule of law based system of governance, JSDP II will seek to integrate anti-corruption efforts in JN advocacy and public awareness activities.

This will be done primarily by awarding competitive grants and secondarily by awarding targeted grants. Targeted grants will be used in case USAID JSDP II does not receive enough credible applications relating to the Structured Dialogue recommendations during the competitive grant award process. Targeted grants could also be awarded if there proves to be

⁷Such examples include advocacy: to reduce court backlog through increased use of mediation, improve the legal aid framework, increase the independence of judiciary through improved financing and similar.

a need to achieve stronger linkages between JN advocacy efforts and Component 1 and 2 specific reform activities (e.g. the reformed judicial appointment process, judicial budget consolidation in FBiH).

With regard to the grant implementation period, at this developmental stage of JN members an 18-month program based funding will be put in place, to allow longer timeframes and better strategic focus of their advocacy. This will be done in combination with current short-term project funding of CSOs, including potentially re-granting for smaller grass-roots organizations, to secure continuity and therefore greater impact, as well as avoid risking the reduction of the number of actors involved.

ANNEX A: Summary of Performance Indicators
Performance Indicators, Targets and Results

No	Indicator name	Unit	Year 1	Year 2	Year 3	Year 3 result
1.1.Promoting Independence and Accountability through Improved Appointment and Advancement Processes						
1.	Written test for new judge and prosecutor candidates adopted	doc	draft	pilot	adoption	substantively accomplished
2.	Adjustments to oral interview procedures adopted	doc	draft	pilot	adoption	fully achieved
3.	Concept of development of the performance measurement for prosecutors adopted by the HJPC by June 2012	doc	/	/	adaption	fully achieved
4.	New weighted case system for judges established	doc	/	/	Monitoring report	substantively accomplished
1.2. Increasing the Effectiveness of the Judicial System through Improved Management and Administration of Courts and Prosecutor Offices						
5.	Model Prosecutors' Office Initiative established	# of MPOs	6	12	18	fully achieved
6.	Matrix of Standards for Model Prosecutor Offices developed	doc	draft	pilot	adoption	fully achieved
7.	MPOs fulfill standards with the JSDP II assistance	# of MPOs	6	12	18	substantively accomplished
8.	Case processing timeframes for courts and prosecutors offices established	doc	-	draft	adoption	substantively accomplished
2.1. Creation of "Forum for Joint Policy (FJP)" with HJPC and MOJ, and building the capacity of MOJ/HJPC policy units for policy analysis and writing of policy proposals						
9.	FJP established and trained by end of Year 2	phase	MoC on establishment	Training	Mentoring	fully achieved
10.	Two policy proposals drafted by FJP by end of Year 3	doc	-	(Training)	2	fully achieved
2.2. Strengthening the capacity of SSPACEI to implement JSRS						
11.	SSPACEI implements relevant activities from the JSRS AP (Pillar 5 (5.1.1, Strategic area 5.1 Coordination of Competencies)	% of activities implemented	50	75	100	fully achieved
12.	Increased capacities in strategic planning and management through expert assistance and	no. of	1	3	Mentoring	fully achieved

	training in strategic planning by local expert	trainings				
13.	Four Justice sector Thematic Conferences organized by end of Year 3	thematic conference	-	1 (pilot)	4	substantively accomplished
2.3. Documentation System (DS) for tracking JSRS implementation and enable access for the public						
14.	Documentation System for a more effective monitoring of the implementation of the JSRS established by end of Year 2	phase	DS established	Monitoring	Final version	substantively accomplished
15.	Public allowed access to relevant information from the Documentation System by end of Year 3	web page	-	-	Developed and operational	in progress
2.4. Strengthening strategic and policy capacities at the entity and cantonal level, including the Brcko District Judicial Commission						
16.	Strategic Planning Units at entity level established by end of Year 3	SP Units	-	1 (FBH MOJ)	1 (RS MOJ)	fully achieved
17.	Strategic planning and policy units of the Entity MOJs implement JSRS AP Strategic Pillar 5, Activity 5.2.1.3 Develop and harmonise institutional strategic and operational plans with BiH JSRS AP)	training days & mentoring	-	1	2	in progress
2.5. Improving the required Justice Sector reporting to EU/EC						
18.	Software enabling justice sector institutions to follow the progress in the identification of standards, principles and laws and by-laws that need to be harmonized with <i>Acquis Communautaire</i> developed by end of Year 3	software	-	-	Operational	Deleted in the revised WP
19.	List of relevant legislation that should be harmonized with <i>Acquis Communautaire</i> identified and shared with justice sector institutions compiled by end of Year 3	doc	-	-	List of legislation	Deleted in the revised WP
2.6. Increasing Independence and Effectiveness through Improved Budgeting Processes						
20.	Strategic Guidelines for the courts budget for the upcoming budget period prepared by end of Year 2	doc	-	Concept piloted	HJPC draft Strategic Guidelines	Deleted in the revised WP
21.	Improved budget proposals submitted by courts by end of Year 3	% of courts	0	25	50	Deleted in the revised WP
22.	Reduced budget fragmentation in FBiH through advocacy and lobbying campaign from 10 levels to 1	%	-	Research and analysis	90%	in progress
23.	HJPC develops plan with time frame for specific steps that should be taken to have the judiciary in FBH financed from the budget of FBiH by end of Year 3	doc	-	-	Plan with timeframe	fully achieved
24.	Courts granted access to financial management software at a cantonal ministry/ministries of finance by end of Year 3	no. of courts	-	-	4	Deleted in the revised WP
3.1. Bolstering Public Confidence in the Rule of Law through Strengthened Capacity of NGOs to Conduct Ongoing Oversight, Analysis and Advocacy in the Justice Sector						

25.	Justice Network – informal network of professional associations and NGOs in the justice sector established	-	established	-	-	fully achieved
26.	JN strategic plan and communication strategy developed	doc	draft	adoption	revision	fully achieved
27.	Decentralized coordination of JN achieved (# of JN members participating in coordination)	#	1	1	3-5	fully achieved
28.	Steady development of the Justice Network	stage	scoping	operational	start-up	fully achieved
29.	Internal organization capacity of JN members improved	%	10	20	24	fully achieved
30.	Increased number of joint/collective advocacy actions of JN members	#	-	2	3-4	fully achieved
31.	Increased score on NGO Advocacy Index for JN members, recipients of JSDP II grants	score	-	3.9	4.0	fully achieved
32.	Progress in targeted elements of NGO Sustainability Index for JN members, recipients of JSDP II grants	score	3.5	3.3	3.1	substantively accomplished
33.	External organization capacity of JN members improved	%	10	20	24	fully achieved
34.	Percentage of specific annual program objectives met by each NGO partner/grantee	%	85	85	85	fully achieved
35.	Relationship of JN with government institutions improved	stage	Indifference	One-way dissemination	Consultation	fully achieved

3.2. Public Confidence in the Rule of Law Advanced through Increased Transparency of Judiciary as a Result of Civil Society Advocacy and Oversight of Justice Sector Issues

36.	Courts establish plans to address procedural or transparency shortcomings	#	-	4	5	fully achieved
37.	Increased public understanding of rights and responsibilities and of justice sector reform issues	%	-	5	10	fully achieved
38.	Policy for long-term development of PLE formulated, piloted and advocated for	stage	-	Pilot	Policy draft	fully achieved

ANNEX B: Success Stories



SUCCESS STORY

Judges and Prosecutors Discuss Advocacy



Photo:JSDP II

Judges and Prosecutors Discuss Advocacy, Sarajevo, March 14, 2012



Photo:JSDP II

Judges and Prosecutors Discuss Advocacy, Banja Luka, March 20, 2012

'Judicial and prosecutorial advocacy cannot be subject to disciplinary action if it is related to the judicial independence and the administration of justice.'

HJPC Disciplinary Counsel, Arben Murtezic

The Judicial Sector in Bosnia Herzegovina is the subject of frequent and intense debate as the Justice Sector Reform Strategy 2008-2012 is being implemented. Judges and prosecutors are naturally at the center of these critical policy issues. Yet they rarely speak up for fear that they will infringe the Judicial and Prosecutorial Ethics Codes. USAID JSDP II engaged with the judiciary directly through ethics training provided in cooperation with entity Judicial and Prosecutorial Training Centers to encourage appropriate judicial participation in policy discussions and increase the responsiveness of the judiciary.

In Sarajevo and Banja Luka on 14 and 20 March 2012 respectively, USAID JSDP II held roundtable discussions on the engagement of judges and prosecutors in advocacy for the justice sector in line with ethics codes, through the presentation of US and European models and experiences. In total 60 judges and prosecutors participated in a series of hypothetical discussions designed to create greater awareness not only of the rights of judges and prosecutors to participate appropriately in judicial sector policy debates but indeed, their obligation to do so.

Judicial and prosecutorial advocacy on matters concerning judicial independence and the administration of justice is essential to create greater understanding for the media and public and help strengthen support for judicial independence. To create greater clarity for all members of the judiciary "Frequently-Asked Questions" guideline was developed to facilitate future efforts in strengthening encouraged advocacy and posted on the High Judicial and Prosecutorial Council website for easy reference.

A Sarajevo prosecutor commented that the roundtable was the first of the kind and helped them realize that they have not only the right, but also the responsibility, to speak out, advocate for sound judicial sector policies and educate the public about their work, its challenges and its relevance to citizens.



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SUCCESS STORY

T-Portal: Communication & Knowledge Management Tools for Prosecutors



Photo:JSDP II

Presentation of T-Portal to the representatives of the prosecutors' offices, USAID/JSDP II workshop 3 April 2012

“We have been for long waiting for something as a T-Portal, electronic knowledge management feature that will easy day-to-day work of prosecutors and strengthen their mutual communication.”

Ms Enisa Adrovic, HJPC BIH Vice President and the Chair of the Working Group on Model Prosecutor Office Initiative and Matrix of European Standards:

Lack of information sharing, communication and coordination among Prosecutor Offices as well as with the HJPC has been a big problem permitting the development of different practices and functionalities. Such should not be the case in a well functioning prosecutorial system. In response, USAID/JSDP II initiated the design and development of the T-portal. The “T-Portal” allows POs to share their institutional knowledge providing prosecutors and prosecutorial administration with forum to exchange ideas and initiate reforms. With the work completed, it was accepted by HJPC and officially presented at the USAID/JSDP II Change Management Teams Workshop.

Now that T-Portal is functional, it is becoming an excellent knowledge management tool that will improve the collection, dissemination and exchange of educational, referential, and informational materials serving the needs of all prosecutors' offices in the country.

The T-Portal was enthusiastically received by the Change Management Teams and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Mr. Senad Dautbašić, the Travnik Chief Prosecutor exclaimed “This is excellent!”. USAID JSDP II will continue to assist HJPC in promoting the use of the T-Portal among POs to share their institutional knowledge and provide prosecutors and prosecutorial administrations with a forum for the exchange of ideas and initiation of further reforms.